

**THE  
DIOCESE OF BUNBURY**

WESTERN AUSTRALIA



**THE STATUTES OF THE  
DIOCESE OF BUNBURY**

(REPRINTED 2007)

TOGETHER WITH THE RULES, CUSTOMS AND  
INFORMATION OF THE DIOCESAN COUNCIL AND THE  
BISHOP OF THE DIOCESE.

By Authority of the BISHOP-IN-COUNCIL

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## **1. THE CONSTITUTION ACT, 1904-2005**

The Constitution Act of the Diocesan Synod of the Branch of the Anglican Church of Australia in that Part of the State of Western Australia known as the Diocese of Bunbury.

Passed at the Synod on 23rd September 1904. Amended with minor amendments from time to time and reorganised at the Synod of 1991 and amended at the Synods of 2001, 2002 and 2005.

### **Preamble**

In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

WHEREAS it is desirable that the members of the Anglican Church of Australia, in the Diocese of Bunbury, in the State of Western Australia, should be associated together by voluntary compact as a branch of the said church for the ordering of the affairs, the management of the property, the promotion of the discipline of members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the aforesaid Diocese to the glory of Almighty God and the edification and increase of the church of Christ, and whereas the Synod of the Diocese of Perth did, at its Session, held on or about the 23rd day of November, in the year of our Lord, 1903, constitute the said Diocese of Bunbury, and did authorise the Synod thereof to have and exercise in regard to the said Diocese all authority, rights and privileges which appertained to the Synod of the Diocese of Perth:

Now, therefore, the Bishop, Clergy and Laity of the said Diocese of Bunbury in Synod assembled do solemnly declare and establish as follows:

This branch of the Anglican Church of Australia in the Diocese of Bunbury doth hold and maintain the doctrine and sacraments of Christ as the Lord hath commanded in His Holy Word, and as the said Church of Australia hath received and explained the same in the Book

of Common Prayer, in the form and manner of making, ordaining, and consecration of bishops, priests, and deacons, and in the xxxix Articles of Religion.

Provided that nothing herein contained shall prevent the Synod from accepting any such alteration of the formularies and version of the Bible as may from time to time be adopted by the General Synod of the Anglican Church of Australia.

## **1. Composition of Synod**

The Synod shall consist of:

- i) the Bishop of the Diocese,
- ii) the licensed clergy of the Diocese,
- iii) two lay members elected by each duly recognised Parish of the Diocese in accordance with the Parochial Statute,
- iv) the Chancellor, Advocate, Treasurer, Registrar and Secretary of the Diocese,
- v) any Trustee or Bishop-in-Council member who does not otherwise qualify for membership of Synod,
- vi) the principal of each church school within the Diocese and another lay member appointed by the school council,
- vii) not more than two lay members of each instrumentality of the Anglican Church present within the Diocese and as defined by Bishop-in-Council,
- viii) not more than six additional members appointed by Bishop-in-Council.

The failure of any parish or instrumentality to elect members of Synod or of the Council to make up the numbers shall not prevent the Synod from proceeding to the despatch of business nor vitiate in any way the proceedings of Synod.

Each member of Synod having attained the age of 18 years shall be a confirmed communicant member of the Anglican Church of Australia and shall have signed the declaration in the form provided in the Schedule of this Act before attending Synod.

## **2. Boundaries of Parishes**

Until the boundaries of parishes shall have been defined by Synod, the Bishop of the Diocese shall assign temporarily boundaries to each parish with a view to the election of members of Synod.

## **3. Electors**

Every person of the age of 18 years who shall have signed a declaration in the following form: “I declare that I am a communicant member of the Anglican Church of Australia”, shall be qualified to vote at the election of members of synod.

## **4. Manner of Elections**

The Synod shall fix the manner of representation and the time for the election of members of Synod, and shall make provision for the appointment of returning officers and for issuing, executing, and returning the notices for the election of members of Synod, and for the mode of voting at such elections, and for the filling of vacancies occasioned by death, resignation, or otherwise, and for determining the validity of disputed returns, and generally ensuring the orderly, effective, and impartial conduct of such elections.

## **5. Length of Term**

Lay members of Synod shall be elected for a period of three years except in the case of members elected by the Diocesan Council to make up numbers who shall hold office only for the session to which they are elected, and except in the case of special elections prescribed in section 6 of this Constitution.

## **6. Absence, Resignation and Vacancies**

If any lay member of Synod shall be absent throughout any session of Synod without having obtained the leave of the President, or if any lay member shall become incapacitated by reason of mental or physical infirmity, or be convicted of any criminal offence, the seat of that

member shall thereby be vacated.

Any lay member of Synod may, by writing under his hand, addressed to the Bishop of the Diocese, resign his seat in Synod. In the event of such vacancy, or on the receipt of such resignation by the Bishop, the necessary steps shall be taken for the election of a member of Synod, who, in all things pertaining to the office and tenure of a member of Synod, shall occupy the position formerly occupied by the member of Synod whose place he fills.

## **7. Place and Timing of Synod**

The place and time for the meeting of Synod shall be fixed by the Bishop of the Diocese. There shall be a General meeting of the Synod in every year, provided that, if in the opinion of the Bishop, such meeting is not necessary, it may be allowed to lapse for the space of one year, but no longer. A Special Meeting, which the Bishop shall have the power to summon, shall be convened at the Bishop's discretion, or on the written requisition of one-fourth of the Clerical and one-fourth of the lay members of Synod.

## **8. Quorum of Synod**

The presence of the Bishop of the Diocese, or the Administrator, as the case may be, and of ten of the clerical and of twenty of the lay members of the Synod shall be necessary to constitute a quorum.

## **9. Seating and Voting**

The Bishop, the clergy, and the lay members of Synod shall sit together in Synod and debate together, and the clergy and the lay members of Synod shall vote together except as hereinafter provided.

## **10. Voting by Houses**

- a) Any two of the Clergy present, or any four of the lay members of Synod present may require, before any division, that the votes shall be taken

by Houses, in which case the votes shall be so taken.

- b) No proposition shall be regarded as adopted by the Synod when the votes are taken by Houses unless the same be carried by a majority of each House present and voting and be assented by the Bishop.
- c) If a proposition be carried by a majority of both Houses, voting separately or together, and the Bishop be doubtful whether he will assent to or dissent from the same, he may delay his decision for not longer than three months. If he should then dissent from it, all action thereupon shall be suspended until the next annual or special meeting of Synod, and should such proposition be then confirmed by two-thirds of each of the Houses present and voting, and the Bishop still dissent, it shall be referred to the provincial council - if such constituted - whose decision shall be final. If there be no provincial council, appeal shall be made to the Primate, who, together with two Godly and learned persons, appointed by himself, shall sit and decide the matter in appeal, and their decision, or the decision of the majority, of whom the Primate shall be one, shall be final.

## **11. Amendments to the Statutes**

It shall be lawful for the Synod at any time to amend any word or sentence, or the whole clause of any statute, without revising or repealing the rest of the said statute. Provided that the word or sentence or whole clause so amended pass through the same form as is required for the passing of a statute by the Synod, and that a printed copy of all such amendments passed be supplied to all members of Synod.



## **12. Absence of the Bishop**

In case of the absence of the Bishop, or during the vacancy of the See by resignation or death, the Synod may be convened by the Administrator, or if there be no administrator, then by the senior dignitary, and the convenor shall preside over the meeting of Synod thus convened.

## **13. Standing Orders**

The Synod at every successive Session shall accept as in force the standing orders ruling in the preceding Session, power being reserved for their amendment.

## **14. Alteration to the Constitution**

It shall not be competent for the Synod to make any alteration in the Constitution herein adopted unless notice shall have been given at a previous Session at least twelve months prior to the motion of alteration being brought forward, and it shall not be competent for the Synod to pass such motion unless affirmed by three-fourths of the members present. As regards the preamble adopted, no provision is made for its alteration except insofar as may be necessary to bring this Constitution into conformity with the Constitution of the Anglican Church of Australia.

## **15. Gender**

In this Statute, so far as the context may require, words importing the masculine gender shall be deemed to include the feminine gender.

**SCHEDULE**

To be signed by:

- a) All members of Synod
- b) The appointed lay persons to the Bishop-in-Council.
- c) Those, who are not members of Synod, but are appointed to any Council of the Diocese.

I/WE

(1) .....  
(Name) (Address)

(2) .....  
(Name) (Address)

(3) .....  
(Name) (Address)

(4) .....  
(Name) (Address)

in the parish or parochial district of .....

Having been appointed or elected as a

(1) .....

(2) .....

(3) .....

(4) .....

do solemnly declare that I/we will perform all the duties of the said office. AND I/we accept and solemnly promise to observe the Statutes passed or to be passed by the Synod of the Diocese.

**AND I/WE FURTHER DECLARE** that I/we am/are confirmed communicant members of the Anglican Church of Australia, having communicated at least three times in the year, of which Easter was one, and seen to be (a) faithful and regular worshipper(s) with this Community of Faith within the twelve months preceding this Declaration.

DATED this ..... Day of ..... 20.....

SIGNATURE

WITNESS

.....	.....
.....	.....
.....	.....
.....	.....

## **2. GENERAL SYNOD CANONS**

### **ADOPTION AND ACCEPTANCE**

#### **1966 Synod**

Consecration of Bishops Canon, 1966

The Assistant Bishops' Canon, 1966

Long Service Leave Canon, 1966

See Finance and Information Canon, 1966

#### **1969 Synod**

Long Service Leave Canon Amendment Canon

Consecration of Bishops Canon Amendment Canon 1969

Order of Deaconesses Canon 1969

#### **1973 Synod**

Form of Declaration and Assent Canon 1973

Long Service Leave (Amendment) Canon 1973

Australian Clergy Provident Fund Canon 1973

Lay Assistants at Holy Communion Canon 1973

Admission to Holy Communion Canon 1973

#### **1977 Synod**

Australian Prayer Book Canon 1977

Long Service Leave (Amendment) Canon 1977

The Use of the Surplice Canon 1977

Missionary Dioceses Canon 1977

Australia Clergy Provident Fund (Amendment) Canon 1977

Godparents Canon 1977

#### **1981 Synod**

Solemnization of Matrimony Canon 1981

Ministry to the Sick Canon, 1981

Australian Clergy Provident Fund (Amendment) Canon 1981

Matrimony (Prohibited Relationships) Canon, 1981

## **1985 Synod**

Reception Canon, 1981

Canon for the Admission of Children to Holy Communion

Marriage of Divorced Persons Canon, 1985

Long Service Leave Canon (Amendment) Canon, 1985

Missionary Dioceses Canon 1977 Amendment Canon 1985

Constitution Alteration (Definition of ‘Member’) Canon 1985

Australian Clergy Provident Fund Canon, 1985

Ordination Service for Deacons Canon, 1985

Alternative Tables of Lessons Canon, 1985

Ordination of Women to the Office of Deacon Canon, 1985

Defence Force Ministry Canon, 1985

Constitution Alteration (Deacons and the Houses of Synod)

## **1987 Synod**

Long Service Leave (Amendment) Canon, 1987

## **1989 Synod**

Constitution Alteration (Title of the Primate) Canon, 1989

Constitution Alteration (Canonical Fitness) Canon, 1989

## **1992 Synod**

Constitution Amendment (Section 51) Canon 1992

Long Service Leave Canon, 1992

Canon Concerning Authority on Certain Matters 1989

Canon Concerning Confessions 1989

Canon Law Repeal Canon 1989

Special Tribunal Procedure Canon, 1992

Constitution Alteration (Miscellaneous Sections) Canon, 1992

Alternative Tables of Lessons Amendment Canon 1992

Authorised Lay Ministry Canon, 1992

Law of the Church of England Clarification Canon, 1992

## **1995 Synod**

Long Service Leave Canon (Amendment), 1995

Constitution Amendment (Table Annexed) Canon, 1995

Archdeacons Canon, 1995

Prayer Book for Australia Canon, 1995

General Synod Canons

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Last Amendment 2011

Reception Canon Amendment Canon, 1995  
Constitution Amendment (Interpretation) Canon, 1995  
Constitution Amendment (Rights of Non-Members of General Synod)  
Bishop (Incapacity) Canon, 1995  
Canon concerning Vesture of Ministers, 1992

### **1998 Synod**

A Canon to amend the Bishop (Incapacity) Canon 1995 and for other purposes  
A Canon for a Revised Constitution Amendment (Interpretation) Canon 1998  
A Canon for a Constitution Alteration (Suspension from Duties) Canon 1998  
A Canon for a Constitution Alteration (Tribunals) Canon 1998  
A Canon for a Canon concerning Services 1992  
A Canon for a Canon concerning Confirmation 1992  
A Canon for a Canon concerning Oaths Affirmations Declarations and Assents 1992  
Constitution Alteration (Composition of General Synod) Canon 1998  
Constitution Alteration (Discipline Clarification) Canon 1998  
Offences Canon Amendment Canon 1998  
Canon concerning Baptism 1998

### **2001 Synod**

A Canon to provide for the appointment of chancellors and for other purposes  
A Canon to amend the Constitution Alteration (Tribunals) Canon 1998  
A Canon concerning the Holy Communion or the Lord's Supper  
A Canon to amend the Long Service Leave Canon 1992 as to supplementary allowance and payment in lieu on death  
A Canon to clarify the powers of suspension from duties  
A Canon to amend the Constitution with respect to the Special Tribunal  
A Canon to repeal the Special Tribunal Canon and the Board of Assessors 1962 and to amend the Special Tribunal Procedure Canon 1992

## **2002 Synod**

A Canon to amend the Defence Force Ministry Canon 1985 and the Defence Board Canon 1985

## **2005 Synod**

### **Adopted by Statute:**

Holy Orders, Relinquishment and Deposition Canon, 2004

National Register Canon, 2004

### **Assented to:**

Holy Orders (Reception into Ministry) Canon, 2004

Canon Concerning Holy Orders, 2004

Constitution Alteration (Chapter IX) Canon, 2004

Constitution Amendment (Relation with Other Churches) Canon, 2004

Restraint on Certain Consecrations Canon, 2004

## **2006 Synod**

### **Assented to:**

Episcopal Standards Canon, 2004

## **2008 Synod**

### **Adopted by Statute:**

Long Service Leave Canon 2007

Canon Concerning Holy Orders 2004

Protection of the Environment Canon 2007

Holy Orders (Reception into Ministry) Canon 2007

Episcopal Standards Canon 2007

### **Assented to by statute:**

Constitution Amendment (Diocesan Council) Canon 2007

Constitution Alteration (Chapter IX) Canon Amendment Canon 2007

Constitution Amendment (Section 10) Canon 2007

Constitution Amendment (Section 54A) Canon 2007

Constitution Amendment (Suspension of Bishops) Canon 2007

Constitution Amendment (Provinces and Dioceses) Canon 2007

### **Assented to by resolution:**

The Solemnization of Matrimony Canon 2007

## **2011 Synod**

### **Adopted by Statute:**

Long Service Leave Canon 2010

### **Assented to by Statute:**

Constitution Amendment (Diocesan Council) Canon 2010

Constitution Amendment (Appellate Tribunal Part Heard Matters)  
Canon 2010

Constitution Amendment (Section 30) Canon 2010

Constitution Amendment (Sentences of Tribunals) Canon 2010

Constitution Amendment (Chapter V) Canon 2010

### **Repealed:**

Constitution Amendment (Diocesan Council) Canon 2007

### **3. THE BUNBURY DIOCESAN ADMINISTRATION STATUTE, 1989**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury Synod assembled:

1. The Bunbury Diocesan Administration Statute 1939-1987 is hereby repealed and the following substituted in lieu thereof.

#### **2. Administrator of the Diocese**

a) The Bishop of the Diocese may appoint one of the Clergy of the Diocese to be the Administrator of the Diocese. This shall be done in writing, sealed and registered at the Church Office.

b) The Administrator shall act:

i) In the absence of the Bishop from the Diocese,

ii) During a vacancy in the See, and

iii) When so requested by the Bishop.

#### **3. Function of the Administrator**

a) During the term of his administration of the Diocese, the Administrator shall use and exercise all the powers which the Bishop may use under the authority of any current statute of the Diocese, excepting always those powers which may only be used by a person in Episcopal Orders or by the Bishop of the Diocese.

b) During a vacancy in the See the powers of the Administrator shall terminate upon the installation of a new Bishop of the Diocese.



#### **4. No Appointment / Inability / Absence**

When no such Administrator has been appointed or when the appointed Administrator is unable or unwilling to act or is absent from the Diocese then the Office of Administrator of the Diocese shall be exercised by one of the Senior Clergy able and willing to do so. Seniority is determined in the following way.

1. Any Assistant Bishop.
2. The Archdeacon/s in order of seniority in office.
3. The Dean of the Cathedral.
4. The Canons of the Cathedral in order of seniority in office.

#### **4. THE DIOCESAN ASSESSMENT STATUTE 1991-2006**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known and cited as “The Diocesan Assessment Statute 1991”.
2. The Diocesan Assessment Statute 1956-1978, is hereby repealed.

#### **3. Method of Assessing**

- a) The Council shall each year assess the amount to be paid by each Ecclesiastical District of the Diocese (as defined by the Parochial Statute) for the year. The year shall commence on the first day of July.
- b) The assessment for each year shall be calculated on the income of the Parish taken from the return for the previous year ending on 31 December. Income shall be the total income of the Parish save that:
  - (i) monies collected specifically for mission, and
  - (ii) monies specifically raised for major capital expenditure as approved by Bishop-in-Council, shall not be regarded as income.
- c) Bishop-in-Council shall determine the rate of assessment on assessable income.

#### **4. Synod**

The assessments, together with the Budget paper, shall be laid on the table on the first day of each Session of Synod.

## **5. Use of Assessments**

- a) The assessments shall be paid into the funds of the Diocese (The Diocesan Management Account, the See Account and the Foundation for Ministry Account) and to such purposes as Bishop-in-Council shall from time to time determine.
- b) Assessments shall be payable monthly.

## **6. Notice of Assessment**

The Diocesan Secretary shall notify the Parish or District Priest and the Parish or District Council of the proposed assessment by 15 May each year.

## **7. Appeals**

- a) Within one calendar month from the receipt of notification a Parish Council may appeal in writing to Bishop-in-Council if dissatisfied with the amount of assessment.
- b) If the Parish Council is not satisfied with the decision of Bishop-in-Council concerning the appeal, with the consent of the Bishop, it may appeal to Synod. A decision of Synod shall be final.
- c) Bishop-in-Council may suspend the payment of the whole or any part of any money due by any Parish under this Statute for such time and upon such conditions as Bishop-in-Council shall seem just.

## **5. THE DIOCESAN AUDIT STATUTE 1991**

WHEREAS by Section 11 of The Bishop-in-Council Statute 1986 an annual audit statement of all Diocesan monies be laid before Synod;

AND WHEREAS by Section 10 of The Diocesan Trustees Statute 1985 an annual audited statement of all funds administered by the said Trustees be laid before Synod;

AND WHEREAS Synod shall appoint an auditor or auditors at the First Session of each triennial Synod.

Be it therefore resolved by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known and cited as “The Diocesan Audit Statute 1991”.
2. The Diocesan Audit Statute 1978 is hereby repealed.
3. **The Council**
  - a) The Statement of Income and Expenditure of the Diocesan Council for any period of twelve months ended on June 30 shall be so audited that the auditors shall be able to report whether in their opinion the said statement discloses a true and fair view of the income and expenditure of the Diocesan Council for the twelve months under review.
  - b) Diocesan Council may from time to time require the auditors to examine and report upon the income and expenditure and the state of affairs of The Diocesan Council.

#### **4. The Trustees**

- a) The statement showing the funds administered by The Bunbury Diocesan Trustees and the manner in which they are employed as at June 30 shall be so audited that the auditors shall be able to report whether in their opinion:
  - (i) the said statement discloses a true and fair view of the funds administered by the Trustees and the manner in which they are employed as at June 30.
  - (ii) the Trustees have fairly accounted for the income and expenditure.

## **6. THE BUNBURY DIOCESAN ANGLICARE**

### **COUNCIL STATUTE 1991-2006**

**WHEREAS** it is considered desirable to establish a Council of the Diocese to promote ministry without discrimination, for the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, throughout the Diocese of Bunbury.

**BE IT ENACTED** by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

1. This Statute shall be known as “The Bunbury Diocesan Anglicare Council Statute 1991.”

#### **2. Council**

The Bunbury Diocesan Anglicare Council (to be known as Anglicare South and hereinafter referred to as “Anglicare Council”) is hereby constituted. The Deputy Commissioner of Taxation for Western Australia will be advised of any amendments to this Statute, as it may affect tax deductibility status.

#### **3. Membership**

The Anglicare Council shall consist of:

- a) Ten members, of whom no more than five shall be Clergy (and all being resident within the Diocese), who shall be appointed as follows:
  - (i) Synod shall elect three members at the First Session of each triennial Synod who shall hold office for the duration of that Synod and until their successors are appointed. They need not be Synod members.

- (ii) The Bishop of the Diocese shall appoint two members, one of whom shall Chair the Anglicare Council, and their appointment shall be for the duration of Synod.
  - (iii) Anglicare Council itself at its last meeting before the First Session of Synod will appoint five members who will be resident within an area of the Diocese where an “Anglicare South” is facility is operated. The term of membership will be for the duration of Synod. They need not be Synod members.
- b) There shall be two ex-officio members, one of whom shall be the Chief Executive Officer (CEO) of Anglicare WA or his appointee and the other being the Manager, Great Southern Services.

#### **4. Objects of the Anglicare Council**

**PROVIDED THAT** nothing below is undertaken for the private gain of any member of Anglicare Council, and that all activities be of non-profit nature, and **PROVIDED THAT** Anglicare Council shall not have authority to distribute benefits or funds to persons, bodies, organisations or institutions which are not Public Benevolent Institutions within the meaning of Section 78(i) (a) (ii) of the Income Tax Assessment Act 1936-1974 and Sections of 8 (5) of the Estate Duty Assessment Act 1914-1974 or which are not persons, bodies, organisations or institutions within the meaning of Section 12 of the Death Duty Assessment Act 1973-1974 of Western Australia, the objects of Anglicare Council are:

- a) The undertaking of all benevolent works and

services relating to health and welfare of all persons (without discrimination) who are in necessitous circumstances.

- b) The relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness.

## **5. Meetings of Anglicare Council**

The Chair shall convene Anglicare Council regularly PROVIDED THAT not less than four meetings shall be held in each year.

## **6. Disqualifications and Vacancies**

Any member who misses three consecutive meetings without leave to do so, shall lose their entitlement to sit on Anglicare Council. Vacancies occurring shall be filled by the Bishop-in-Council (for Synod elected members), the Bishop (for his appointments) and Anglicare Council (for their appointees).

## **7. Incorporation of Anglicare Council**

The adoption of this Statute by the Synod of the Diocese will be the means of including Anglicare Council under the incorporation of The Bunbury Diocesan Trustees, which is incorporated under an Act of Parliament, cited as the “Church of England Diocesan Trustees and Lands Act, 1918.”

## **8. Dissolution of Anglicare Council**

Upon the dissolution of Anglicare Council:

- a) Any assets remaining after the satisfaction of all outstanding debts and liabilities will be transferred to another fund approved under Section 78 (i) (a) (ii) of the Income Tax Assessment Act.



- b) Anglicare Council will notify the Australian Taxation Office of the date of the dissolution of the Council.

## **9. Interim**

With the passing of this Statute:

- a) Synod acknowledges and accepts responsibility for the actions and decisions of the interim Bunbury Diocesan Anglicare Council 1986-1991.
- b) Synod shall elect their three members of Anglicare Council 3(a)(i).
- c) The Bishop of the Diocese shall appoint his two members 3 (a) (ii).
- d) Synod accepts as members of Anglicare Council those appointed by The Bunbury Diocesan Anglicare Council at their meeting prior to this Synod.

## **7. THE BISHOP -IN-COUNCIL STATUTE 1986-2010**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. The Bunbury Bishop-in-Council Statute 1911-1984 is hereby repealed and the following substituted in lieu thereof.

### **2. Function**

The Council shall act as a Council of Advice to the Bishop in regard to all questions affecting the welfare of the church.

### **3. Membership**

The Council shall consist of:

- a) The Bishop
- b) The Administrator (ex-officio)  
The Archdeacons (ex-officio)  
The Priest-in charge-of the Cathedral church (ex-officio)  
The Trustees (ex-officio)
- c) Two lay members of the Diocese appointed by the Bishop for the period of a Triennial Synod.
- d) Three clerical and three lay members elected at the first general session of each Triennial Synod

### **4. Tenure of Office**

- a) The elected members and those appointed by the bishop shall continue and remain in office, except as hereinafter provided, until their successors are appointed.

- b) Retiring members shall be eligible for re-election.
- c) Any appointed or elected member of the Council may by writing under their hand resign from the Council, and upon acceptance by the Bishop, the office of such member shall become vacant.
- d) Any appointed or elected member of the Council who shall be absent without leave of the Council for three consecutive meetings shall cease to be a member and their office shall become vacant.
- e) When an appointed or elected member dies or becomes incapacitated, a vacancy occurs.
- f) The Bishop may, on the advice of the Council, remove any member from the Council.

## **5. Casual Vacancies**

- a) The Bishop shall fill casual vacancies of either of the appointed members.
- b) The Bishop shall give notice to all members of the Council of the vacancy, however caused, of an elected member. They shall elect a member of Synod to fill the vacancy, provided that the above proportion of clerical and lay Members shall be preserved. The Council may at its discretion defer the election for decision at the next general session of Synod.
- c) Members appointed or elected to fill casual vacancies shall serve until the next Synodical elections.

## **6. Meetings**

- a) The Council shall meet not less than four times a year and at the Bishop's discretion.
- b) The Bishop shall be Chairman of the Council, but if for any reason he shall be unable to be present, he shall, by writing under his hand, appoint another person to preside.
- c) If the Bishop, shall dissent from any resolution passed by a majority of the Council, action shall be delayed until the resolution has been reconsidered and reaffirmed by an absolute majority of the whole Council as its next meeting. If the Bishop continues to dissent the matter shall be brought to the next general session of Synod.
- d) No member of the Council shall vote on any question in which he or his ecclesiastical district has a peculiar interest.
- e) The minutes of all Council meetings may be scrutinised by any member of Synod who requests, through the Bishop, to do so.

## **7. Quorum**

Seven members shall form a quorum, of whom at least two shall be clerical members and two shall be lay members.

## **8. Duties and Powers**

It shall be the responsibility of the Council

- a) to act as the Standing Committee of Synod within the framework of the Constitution of the church and the Statutes of the Diocese.

- b) to consider all matters pertaining to the temporal affairs of the church; these shall be taken to include:
  - i) all financial arrangements for encouraging and extending the work of God within the Diocese
  - ii) all other matters relating to Clergy emoluments, finances and property within the Diocese which are not by statute the specified concern of the Diocesan Trustees.
- c) to consider and when appropriate, respond to matters within its jurisdiction addressed to the Council by resolution of the parish council signed by the priest of the District and the Secretary of the Vestry.
- d) to prepare budget estimates each year and to determine the Parish Assessments.
- e) to fill vacancies as Synod shall from time to time determine.
- f) to publish a Year Book or Directory.
- g) to arrange and prepare the business for each session of Synod.

## **9. Committees**

The Council may set up Committees as it shall see fit.

## **10. Minute Book**

The Diocesan Secretary shall be responsible for the Minutes of all meetings of the Council.

## **11. Accounts and Reports**

The Bishop shall ensure that the following documents are laid before each session of Synod.

- a) An annual audited statement of all Diocesan monies
- b) A Budget for the current year
- c) A Report of the proceedings of the Council.

## **8. THE BUNBURY BISHOPRIC ELECTION**

### **STATUTE 2001-2010**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. The Bunbury Bishopric Election Statute 1999 is hereby repealed and the following substituted in lieu thereof.
2. **Vacancy of the See**
  - a) The See of Bunbury shall become vacant if the Bishop:
    - i) attains the age of 70 years, or
    - ii) resigns his Office in the manner provided in clause 2 c, or
    - iii) becomes permanently incapacitated, or
    - iv) dies, or
    - v) shall be deprived by competent authority.
  - b) The date on which the See shall become vacant in the case of the events specified in sub clauses (i), (iii), (iv) and (v) above is the date the event occurs and in the case of the Bishop resigning his office the date on which the See shall become vacant is the date specified in clause 2 d).
  - c) The Bishop may resign his Office by giving not less than six months notice in writing to the Metropolitan of the Province and to the Bishop-in-Council. The notice shall specify the date when it is intended for the resignation to take effect.
  - d) In the event of the Bishop giving notice of

intended resignation the See shall become vacant on the date specified in the letter as the date when it is intended for the resignation to take effect.

### **3. The Bishopric Nomination Committee**

- a) When the See becomes vacant, or three months before the date of the retirement of the Bishop, the Administrator shall call together the Bishopric Nomination Committee which shall nominate not less than three and not more than six persons to a special session of Synod to be called within three months of the vacancy of the See for the purpose of electing a Bishop.
- b) The Bishopric Nomination Committee shall consist of six clerical members, one of whom shall be the Administrator and six lay members of Synod who shall be elected at the first session of each Synod. There shall also be elected three clerical and three lay persons as reserves in the event of any member of the Committee being unavailable to serve. Any clerical member whose name is considered for nomination as Bishop or their immediate family shall cease to be a member of the Committee. In the event of the Administrator being nominated, the committee shall elect one of its members to chair the Committee. The Diocesan Secretary shall be the secretary of the committee.
- c) The Administrator shall invite all members of Synod to submit in confidence names of potential candidates to the Nomination Committee. The Nominations shall be held in secret by the Diocesan Secretary until the nominations are closed.



- d) The Nomination Committee shall determine its own procedure.
- e) A name shall not be included for nomination to the Synod unless the person concerned has consented and a majority of the clerical and a majority of the lay members of the Nomination Committee agree to such nomination.
- f) The Administrator shall advise the Archbishop of the names of the nominees.
- g) The Nomination Committee shall present to the Synod a statement about each nominee.

#### **4. Election Synod**

- a) The Administrator shall cause a call of the Synod to be made within three calendar months of the vacancy of the See for the purpose of electing a Bishop.
- b) The Synod shall commence with a celebration of the Eucharist in the Cathedral seeking the guidance of The Holy Spirit. A sermon shall be preached at this service.
- c) During the deliberations of the Election Synod only members and officers shall be allowed to be present except by special leave of the Synod. Any cleric nominated and their immediate family shall not be entitled to be present or to vote at the Election Synod. No members shall at any time disclose any information concerning the proceedings of the Election Synod or the names of the candidates or the details of any ballot.

- d) When members have gathered after the Eucharist the following declaration shall be read aloud by them and the Administrator together and shall thereupon be signed by the Administrator and each member present in a book to be kept for that purpose.
- “I do hereby solemnly declare that in the election of a Bishop for this diocese I shall record my vote only for such as upon my conscience I believe to be worthy and fit for the holy office of Bishop, and I do further solemnly declare that I shall not at any time reveal to any person the figures involved in any ballot, nor any information likely to cause harm, embarrassment or distress to any nominee, speaker or diocesan official, but only such information as is authorised by the Synod to be published.”
- e) All election votes shall be by secret ballot. Where any majority of votes is required, it shall be of those present and entitled to vote.
- f) When the Synod has assembled the Administrator shall announce that a vacancy of the See has occurred. The Administrator shall state the cause thereof and explain the procedure to be followed in filling the vacancy, namely: that Synod shall receive the names submitted to it by the Nomination Committee and proceed to the election. The Administrator shall give such further advice to the Synod as is appropriate.
- g) The Administrator shall then inform members of Synod of the nominations being submitted to the Synod by the Nomination Committee.

- h) The Synod by a vote of the majority of members present may at any stage in the proceedings under this statute resolve itself into a Committee of the whole and report back to Synod or may from time to time adjourn to a time to be fixed.
- i) Synod shall then resolve itself into a committee of the whole for the purpose of discussing the candidature of those who have been nominated. After discussion Synod shall resume.
- j) A discrete time of Prayer is to be held before taking a vote on the election of a Bishop and after the presentation of nominations.
- k) The names on the list shall then be balloted for, each voter recording a vote for one person only. The candidate obtaining two-thirds of the votes of each house shall be the Bishop elect.
- l) Any candidate in any ballot receiving less than one third of the votes in either house shall be removed from the list.
- m) If after five ballots as in Clause 3 k) no candidate receives the requisite majority and if one of the candidates shall have obtained a majority of votes in each house and if the Synod decides in the affirmative it shall be permissible to move that such candidate be elected Bishop. If this motion is carried by a two thirds majority in each house voting by secret ballot then that person shall be the Bishop elect.
- n) If no such motion is agreed to or if no candidate receives the requisite majority then the Synod shall be adjourned until such time as the

Nomination Committee shall have prepared another set of nominations for Synod.

**5. Diocesan Electors**

After three Election Synods, when Synod has failed to elect a Bishop, that sitting of Synod shall elect three lay and two clergy as the Diocesan Electors. Any Bunbury Diocesan cleric who has been a candidate in this election is ineligible to be nominated as a Diocesan Elector.

**6. Board of Electors**

If Synod fails to elect in the manner specified in Clause 4 of this Statute the choice of a Bishop for the Diocese of Bunbury shall then be delegated to a Board of Electors consisting of the Archbishop and Diocesan Bishops of the Province of Western Australia together with the Diocesan Electors. No person previously nominated and voted upon in Synod shall be deemed eligible to be chosen.

**7. Canonical Fitness**

- a) Upon an election having been made the Administrator shall transmit the name of such person together with the certificate of election to the Archbishop of the Province for communication to the other Diocesan Bishops of the Province. The Archbishop and other Bishops of the Province shall satisfy themselves as to the canonical fitness of the person so elected.
- b) If the Archbishop and Bishops of the Province are not satisfied as to canonical fitness the said election shall be null and void and proceedings shall be taken as if the vacancy in the See had occurred at the time of this notification.

## **8. Declining of Election**

When any person shall have been duly elected by Synod that person shall forthwith be informed of the fact by the President who shall at the same time ask for that person's acceptance of this office. If the person elected by Synod shall decline to accept the See the proceedings shall be commenced *de novo* as on the occurrence of the vacancy. If the person chosen by the Board of Electors shall decline to accept the See the Board shall proceed to a further election.

## **9. Acceptance of Election**

When the Archbishop and the Diocesan Bishops of the Province are satisfied as to canonical fitness and the acceptance of the office by the person elected having been duly signified, the person so elected (subject to that person's consecration if necessary) shall be the Bishop of the See of Bunbury and shall be entitled as from the date of the recognition in the Cathedral Church of the Diocese to exercise the functions of Bishop.

- 10.** The failure to take any step of procedure referred to in this Statute or the fact that a summons or other notice required to be given to a Member has not been given or has not had attached to it material required to be attached is not a ground for questioning and does not invalidate or affect the election.
- 11.** This Statute shall be known as "The Bunbury Bishopric Election Statute 2010".

## **9. THE BISHOP'S ENTRY OF CHURCHES STATUTE**

**1907-1909**

Whereas it is desirable that the rights and powers of the Bishop should be more clearly defined in respect to officiating and preaching in all consecrated churches or chapels and building licensed for public worship within the Diocese.

Be it resolved and declared by the Bishop, Clergy and Laity of the Diocese of Bunbury, in Synod assembled, that the Bishop has the right at all times to enter every consecrated church or chapel and every building licensed for public worship within the Diocese for the purpose of saying public prayers, administering the Sacraments, and preaching, and performing all other rites and ceremonies according to the use of the Anglican Church of Australia.

## **10. THE CATHEDRAL STATUTE 1992-2009**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known as the “The Cathedral Statute 1992”.
2. The Cathedral Statute 1979-1985 is hereby repealed.
3. **The Parochial Statute 1994-2006**

The relevant parts of the Parochial Statute of the Diocese shall apply to the Cathedral church except in the following matters:

- 3.1 The Church of Saint Boniface Bunbury shall be the Cathedral Church of the Diocese of Bunbury. It shall be the seat of the Bishop and the principal church of the Diocese. It shall be known as ‘The Cathedral Church of Saint Boniface Bunbury’ (The Cathedral).
- 3.2 The Cathedral shall also be the Parish Church of the City of Bunbury and the Parish will be known as the Cathedral Parish.

### **4. Dean of the Cathedral**

- a) The parish priest of the Cathedral shall be the Dean of the Cathedral.
- b) The Dean of the Cathedral shall be appointed under the provisions of The Parochial Nominations Board Statute 1987.
- c) The Senior Canon shall sit as an extra member of the Nomination Board for the purpose of the election.

## **5. The Chapter**

The responsibility for this Cathedral church shall be vested in the Dean and Chapter (hereinafter called the Chapter). The day to day management of the Cathedral church is delegated through the Chapter to the parish council.

The Chapter shall comprise of:

- a) the following ex-officio members:
  - i) The Bishop (President)
  - ii) The Dean (Chairman)
  - iii) The Precentor (if appointed)
  - iv) The Diocesan Chancellor
  - v) Four Canons of the Cathedral appointed by the Bishop, and
- b) those elected and appointed at the Annual Meeting of parishioners, in the same way as a parish council of a parish (see Parochial Statute, Sections 5 and 6).
  - i) The Churchwardens of the Cathedral shall be known as Senior Lay Canons.
  - ii) The parochial members of Chapter may be known as Lay Canons.
- c) The Chapter shall meet at the request of the Bishop and the parish council of this Cathedral church to develop and foster the ministry of the Cathedral to the Diocese or for any reason.

## **6. The Parish Council**

The parochial members of the Chapter (Section 5b) shall be for the Cathedral what a parish council is for a parish.



## **7. Honorary Lay Canons**

The Bishop may appoint Honorary Lay Canons who must be resident in the Diocese. Such Honorary Lay Canons shall not be entitled to a seat on the Chapter.

## **8. Cathedral Stalls**

- a) Stalls in the Cathedral shall be assigned to:
  - i) The Dean
  - ii) Any Assistant Bishop
  - iii) Any Archdeacon
  - iv) The Canons of the Cathedral
  - v) The Diocesan Chancellor
- b) The Bishop shall install the Dean, any Assistant Bishop, any Archdeacon and the Diocesan Chancellor.
- c) The Dean shall install the Canons.

## **9. Bishop's Prerogative**

Nothing in this Statute shall be construed as interfering with the rights and powers of the Bishop.

- a) No change of a substantial nature in the ceremonies, or services in the Cathedral shall be made without the consent of the Bishop.
- b) The Bishop shall reserve the specific right to use

the Cathedral on notice to the Dean but otherwise as of right for services of a national or diocesan nature including Ordinations, Confirmations and Visitations.

## **10. Role of the Cathedral**

10.1 The role of the Cathedral as the principal church of the Diocese shall be as:

- a. a place for the support of the wider Church's mission both within and beyond the Diocese,
- b. a setting within which to promote Christian unity and ecumenical endeavour,
- c. a centre for Christian culture, theology and celebration of the arts,
- d. a spiritual centre for the life of the Diocese and its staff, and
- e. a venue for Diocesan worship.

The role of the Cathedral as the principal Church in the City of Bunbury shall be as:

- f. a place for reflection, prayer, private devotion and inspiration,
- g. a centre for ministry to the City of Bunbury and its region, and
- h. a centre for the ministry of the wider parish, including its branch churches and chapels.

10.2 Relationship with the Diocese

The Synod shall have a financial responsibility to make a contribution to the Cathedral Chapter for the provision of ministry in the Cathedral insofar as that ministry relates to the Diocese.

## **11. THE CHILDREN & YOUTH MINISTRY COUNCIL**

### **STATUTE 2001-2003**

WHEREAS it is considered desirable to establish a Council to promote ministry to the children and youth throughout the Diocese of Bunbury.

BE IT ENACTED by the Bishop, Clergy, and Laity of the Diocese of Bunbury in Synod assembled:-

1. The Bunbury Diocesan Children and Youth Ministry Council Statute 1989 is hereby repealed and the following substituted in lieu thereof.

2. **Council**

The Bunbury Diocesan Children and Youth Ministry Council (Hereinafter referred to as 'this Council') is hereby constituted.

3. **Membership**

This Council shall consist of:-

- a) A Chair appointed by the Bishop of the Diocese.
- b) Not less than three and not more than five other persons appointed by the Bishop and the Bishop may appoint one of such persons as Chaplain.

4. **Aims of this Council**

To promote, foster and encourage:-

- a) Christ centred ministry to and with children and youth throughout the Diocese.

- b) The training of people for this ministry.

**5. Meetings**

The Chair shall convene this Council regularly PROVIDED THAT not less than four meetings shall be held in each year.

**6. Vacancies**

- a) Any member of this Council who is absent without leave for three consecutive meetings shall cease to be a member of this Council.
- b) Vacancies shall be filled by the Bishop.

**7. Officers of the Council**

- a) No person shall be employed by contract or in any other way without the prior consent in writing from Bishop-in-Council.
- b) Bishop-in-Council shall determine the terms and conditions of employment.
- c) Any person employed by this Council shall not be so employed unless suitably licensed by the Bishop.

**8. Reporting to Bishop – in - Council**

This Council shall report to Bishop – in – Council at least twice during the year.

- 9. This Statute shall be known as “The Bunbury Diocesan Children and Youth Ministry Council Statute 2001”

## **12. THE FEES AND CHARGES STATUTE 1991**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

- 1) This Statute shall be known and cited as “The Fees and Charges Statute 1991”.
- 2) The Fees and Charges Statute 1967 is hereby repealed.
- 3) Council to Determine

The Council may, from time to time, determine

- a) charges associated with marriages, burials and for any other purposes for which a fee may rightly be charged
- b) travelling expenses incurred on Diocesan Business
- c) fees for the conducting of services in another parish, together with travelling expenses.

### **13. THE JUBILEE PINE PLANTATION STATUTE, 1989**

#### **Preamble**

WHEREAS under resolution of synod in 1954 authority was given to use certain Diocesan land for the establishment of a Pine Plantation. Be it now enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled as follows:-

#### **1. Repeal**

The Jubilee Pine Plantation Statute, 1955-1979 is repealed.

#### **2. The Land**

Nelson Location 278, being the land comprised in Certificate of Title Volume LX Folio 131 containing approximately forty hectares shall be used for the purpose of establishing a Plantation.

#### **3. Management**

- a) The Plantation shall be under the management of the Council together with a Committee of Management.
- b) The Council shall appoint the Committee of Management which shall comprise of:
  - i) The Bishop (ex-officio)
  - ii) Three members of the Council
  - iii) The Diocesan Secretary
  - iv) The parish priest of Manjimup
  - v) Four other members
- b) The Bishop-in-Council may from time to time appoint others to the Committee of Management and shall fill all vacancies as they occur.

#### 4. The Committee of Management

- a) The Committee shall meet as and when required.
- b) The Committee shall make an annual report to Synod.
- c) The Committee shall make recommendations to the Council regarding disposal of the timber and the future use of the land.

#### 2. Income

It shall be the responsibility of the Council to dispose of any income in the most appropriate manner.

## **14. THE LICENSING STATUTE 2001-2009**

### Preamble

Whereas it is deemed expedient to bring together under one statute matters that pertain to:

- a) all Clergy licensed by the Bishop of Bunbury.
- b) all Clergy who hold the said Bishop's Permission to Officiate, and
- c) where indicated, all persons licensed by the Bishop to perform either or both ecclesiastical and administrative duties:

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury assembled:-

1. This Statute shall be known as The Licensing Statute 2001.

### **2. Repeal**

The Licensing Statute 1986 is repealed.

### **3. Appointment of Clergy**

The Bishop alone shall reserve the right to appoint Clergy within the Diocese. Clergy may not perform or carry out any duties of a ministerial or ecclesiastical or administrative nature within the Diocese without holding the Bishop's Licence or Permission to Officiate (P.T.O.)



#### **4. Licences and Permission to Officiate**

- a) Clergy desiring to obtain the Bishop's Licence or Permission to Officiate shall present to the Bishop Letters of Orders, or proof thereof.
- b) The Bishop shall make enquiries concerning the character, person, previous work, and health of the clergy as the Bishop determines.
- c) Clergy shall supply the Bishop with an Australian Federal police clearance issued in the past three months or, if the clergy is entering Australia from overseas such an equivalent clearance from their place of origin, as the Bishop shall determine.
- d) Clergy shall supply the Bishop with a Working with Children Check clearance, which shall then be updated in accordance with the State Government Legislation requirements.
- e) Clergy shall make affirmations and declarations and subscribe to such regulations as the Bishop may require, provided that such affirmations, declarations and subscriptions include:
  - i. An Affirmation of Canonical Obedience as set forth in Schedule 1, attached hereafter.
  - ii. A Declaration of Submission to the Synod of the Diocese of Bunbury, as set forth in Schedule 2, attached hereafter.
  - iii. A Declaration of Assent, as set forth in Schedule 3, attached hereafter.

#### **5. The Bishop's Licence**

- a) The wording of the Bishop's Licence shall be within the right of the Bishop alone and no other person, Council or Synod.

- b) The Bishop shall have the right to require Clergy seeking a licence to subscribe to any provisions which the Bishop may require to be made upon the licence.
- c) In accordance with the Constitution of the Diocese, clergy holding the Bishop's Licence are members of Synod.

## **6. Permission to Officiate**

- a) Clergy may be granted by the Bishop Permission to Officiate within the Diocese provided that such Clergy are not entitled thereby to be members of the House of Clergy in the Synod of the Diocese.
- b) Any Permission to Officiate may be revoked by the Bishop alone without having to show cause or give reason.

## **7. Particular Appointments within the Diocese**

- a) Clergy are appointed as parish priests of parishes/parishes in accordance with the provisions of the Parochial Nominations Board Statute, 2002 of this Diocese of Bunbury.
- b) Clergy may be appointed as Priests-in-Charge of parishes by the Bishop.
- c) The Bishop has the right of the first appointment as Priest-in-Charge for persons ordained within the Diocese.
- d) The appointment of, and the length of service of, Assistant Clergy to serve in a parish, shall be determined by the Bishop alone but in all cases of such appointment the Bishop shall consult with the priest of that parish, concerning the appointment. Further the consent of that parish council shall be necessary for the appointment of Assistant Clergy who are to be stipendiary Clergy where the parish concerned is

required to meet the stipend.

- e) The appointment of, and length of service of diocesan clergy whose ministry is to the whole of the Diocese shall be determined by the Bishop alone.
- f) Clergy may be seconded for special ministries by prior arrangement with the Bishop-in-Council and the parish council of the parish and/or parishes concerned.

## **8. Resignations**

Any cleric may resign an appointment at any time upon three months notice in writing to the Bishop.

## **9. Retirements**

- a) The licences of clergy shall terminate on their sixty-fifth birthday. The Bishop may renew the licence beyond the age of sixty five, subject to review by the Bishop from time to time.
- b) The Bishop may also licence non-stipendiary clergy for local ministry regardless of age. This licence would be subject to review from time to time.

## **10. Suspension of Licence**

- a) If for any reason a cleric is unable to discharge any of the duties required by the Bishop's licence for any reason including accident, sickness or disability and that inability extends for not less than six weeks, the Bishop may thereafter at any time by notice in writing to that person or their representatives suspend the licence. The suspension may be on terms and conditions as the Bishop shall deem appropriate.
- b) Where the Bishop believes that it is necessary to terminate the licence by reason of incapacity, the Bishop shall refer the matter to the Panel of Inquiry defined in clause 12.

## **11. Termination of Licence by Reason of an Offence**

Clergy within the Diocese who hold the Licence of the Bishop shall be subject to the termination of that Licence at any time for offences committed under Clause 3 (d) of the Bunbury Diocesan Tribunal Statute 1985. If the Bishop desires to revoke a licence for any such offence listed within the said Clause 3 (d) the charge or charges must be referred to the Diocesan Tribunal for judgement provided that Clergy so charged wish the Bishop to do so. If a cleric so charged does not wish the Bishop to make such a referral then the Bishop may terminate and revoke that cleric's licence without referring the charge or charges to the Tribunal. In such a case the cleric whose licence has been revoked by the Bishop shall not have the right of appeal to the Tribunal.

## **12. Termination of Licence by Reason of Incapacity**

### **Where court, tribunal or other body determines Cleric incapable**

- a) If a court, tribunal or other body established by law having authority to make such orders, makes an order an effect of which is that a person, who is a cleric of the Diocese and holding either the Bishop's Licence or a Permission to Officiate, is declared, determined or otherwise found to be incapable, the Bishop may, by notice in writing to the Parish Council or other Diocesan Organisation to which that cleric belongs declare that Licence or Permission terminated and the position held by that cleric vacant
- b) The Bishop, before making a declaration under sub-section a), shall make or cause to be made enquiry of the Chancellor of the Diocese, the Archdeacon and those other enquiries that the Bishop deems fit.
- c) The Bishop shall cause a copy of the notice to be given to the

Cleric to whom it relates, to the Diocesan Registrar and the Metropolitan.

### **Suspected inability reported to Bishop**

- d) If five members of the Parish Council or other Diocesan Organisation to which the Cleric belongs consider on reasonable grounds that the Cleric may be incapable, those members may, in writing report that opinion to the Bishop

### **Bishop may appoint Panel of Inquiry**

- e) The Bishop upon receiving that report may appoint a Panel to inquire into the matters the subject of the report
- f) The Panel shall consist of at least three people appointed by the Bishop at least one of whom shall be a medical practitioner and another a qualified legal practitioner
- g) The Bishop shall appoint one of the members of the Panel to be its Chair but otherwise the Panel shall determine its own procedure

### **Authority to Disclose Information**

- h) This Statute shall be full and sufficient authority from any Cleric concerned, who is deemed to have given that authority for any medical practitioner who has treated the Cleric at any time in the preceding three years to disclose information relating to the medical condition of the Cleric to the panel.

### **Report by Panel**

- i) A Panel appointed under this statute shall report to the Bishop within two months of being appointed or any longer period that the Bishop may determine.

- j) The Bishop shall:
  - i) Send a copy of the report to the Cleric; and
  - ii) If the report of the Panel states that there are reasonable grounds for considering the Cleric incapable the Bishop shall in writing ask for the Cleric to respond within twenty-one days of receiving the copy of the report.

### **Termination of the licence**

- k) If the Panel reports that there are reasonable grounds for considering the Cleric incapable, the Bishop may by notice to the Cleric terminate the licence.
- l) The Bishop shall cause a copy of that notice to be given to the Diocesan Registrar, the Parish Council and the Metropolitan.
- m) The termination;
  - i) ceases to have effect upon determination by a Tribunal appointed under section 12 n) that the Cleric is not incapable.
  - ii) has effect as to cease the payment of stipend and emoluments.

### **Where Report of Panel contested**

- n) If the Cleric by notice in writing given to the Bishop within 21 days after receiving the copy of the report under section 12 j) contests the report the Bishop shall appoint a Tribunal to determine the matter.
- o) The Tribunal referred to in Section 12 n) shall consist of 3 people appointed by the Bishop, one of whom shall be the Chancellor of the Diocese who shall be the President of the

Tribunal, one shall be another Cleric of the Diocese, and the third shall be a qualified medical practitioner.

- p) Any person who has been involved in any way with an investigation or report into the capacity of the Cleric in question or who is a member of the relevant Parish Council or Diocesan Organisation is ineligible to be a member of a Tribunal appointed under Section 12 n)

### **Determination of Tribunal under Section 12 n) and Appeal**

- q) The Tribunal under Section 12 n) shall determine whether or not, in its opinion, the Cleric is incapable and shall report in writing its determination to the Bishop.
- r) The Bishop shall give a copy of that determination to the Cleric, the Diocesan Registrar, the relevant Parish Council, and to the Metropolitan.

### **13. Assistant Clergy**

- a) Assistant Clergy are appointed by the Bishop under the provisions for such appointment in Clause 7c of this Statute.
- b) The duties of Assistant Clergy are not to involve tasks which can be interpreted by the Bishop as inconsistent with and unnecessary to the life of the parish or the Diocese.
- c) Assistant Clergy are to be full members of parish councils.
- d) Assistant Clergy shall at all times have the right of access to the Bishop without let or hindrance from any person.

### **14. Stipends**

Stipends within the Diocese are governed by The Stipends Statute 2008.

## **15. Private Use of Church Vehicles**

- a) Licensed Clergy actively engaged in parish ministry shall have reasonable private use of church vehicles as determined by the churchwardens and the Bishop. The cost of running shall be refunded to the parish council.
- b) The church vehicle may be used for leave with the consent of the Churchwardens. The cost of running shall be the responsibility of the cleric.
- c) The running costs shall be determined by the Bishop-in-Council from time to time.

## **16. Annual Leave**

- a) All licensed Clergy and stipendiary or salaried parochial workers shall after twelve months service be entitled to and shall take four weeks annual leave (including four Sundays) on full stipend or salary.
- b) Leave shall be taken each year and shall not accumulate without the prior agreement of the Bishop.
- c) There shall be no payment of stipend or salary in lieu of leave.
- d) Under special circumstances and with the Bishop's consent the leave provisions may be varied.
- e) Twenty-eight days notice of leave to be taken together with the period and arrangements for Sunday Services shall be given in writing to:
  - i) the Archdeacon of the Diocese
  - ii) the Area Dean
  - iii) the Churchwardens.



## **17. Absence from Church Duties**

Apart from annual leave no Stipendiary Cleric or no Cleric with Pastoral Oversight shall be absent from the Parish for more than forty-eight hours without informing the Archdeacon, the Area Dean and the Churchwardens.

## **18. Sickness and Accident Insurance**

- a) The Bishop-in-Council through The Bunbury Diocesan Trustees (hereinafter referred to as 'the Trustees') shall effect insurance of the Bishop and all stipendiary Clergy and personnel holding the Bishop's Licence for work in the Diocese, under the provisions of the Workers' Compensation Act of the State of Western Australia.
- b) The Bishop-in-Council through the Trustees shall also effect comprehensive insurance of all parochial Stipendiary Clergy, and such other persons as it may from time to time determine, against sickness disease and accident (section (e) of this Clause refers).
- c) The costs of such insurance shall be shared between the Trustees, the parish and the individual as shall be determined by the Bishop-in-Council.
- d) The benefits of such policies shall be paid to the body responsible for the stipend or salary of the person insured for as long as that body remains responsible for providing the emoluments of the disabled person. The same principle shall apply pro rata during periods of partial disability.
- e) Such policies shall attempt (inter alia) to secure disability payments approximately equivalent to the value of the insured's total weekly emoluments over at least the first six months of the period of total or partial disablement.
- f) The responsibility of a parish council or other body to continue to provide accommodation for a cleric or other employee and to pay stipend or salary through this system

shall, after consultation with the Council, cease when the period of disability shall have extended beyond six calendar months.

- g) If pursuant to clause 18 f) the responsibility of the parish council or other body to pay stipend or salary ceases, then the Trustees shall not be obliged to pay stipend or salary or provide any other benefits.
- h) A cleric who voluntarily participates in activities which might invalidate a claim under Diocesan Accident and Sickness Insurance Policies shall make private arrangements to cover these activities.

## **19. The Diocesan Secretary**

- a) The Diocesan Secretary shall be appointed by the Bishop after consultation with the Trustees and the Council.
- b) The Diocesan Secretary shall be licenced by the Bishop.
- c) In such cases where the Diocesan Secretary is not a cleric provisions in Clauses 4b) and c); 8; 9; 10; 11; 15a), b) and c); and 16 shall nevertheless apply.
- d) Other terms and conditions of the office shall be determined by the Bishop, Trustees and Council.

## **20. Special Ministries**

- a) The Bishop may appoint and license persons who are not ordained to exercise ministries within the Diocese.
- b) The pertinent provisions of this Statute shall apply to such appointments.

## 21. Licensed Lay Ministers

- a) Licensed Lay Ministers are those persons within parishes who, on the recommendation of the priest of the parish and the concurrence of the parish council are licensed by the Bishop to exercise specific ministries.
- b) Licensed Lay Ministers will be licensed for the triennium of Synod. Applications for renewal of licences are to be submitted to the Diocesan Secretary/Registrar following the first Annual Meeting of Parishioners after the third session of Synod.
- c) Applications for an initial licence can be made at any time during the term of Synod, however, the licence will only remain current for the remainder of the Synod triennium.
- d) Licensed Lay Ministers will be licensed for ministry in their local parish, however, they may be granted permission by the Bishop to function elsewhere in the Diocese.
- e) Those seeking to be licensed as a Licensed Lay Ministers must be at least eighteen years of age, a confirmed communicant member of the Anglican Church of Australia and a member of the parish for not less than twelve months.
- f) Applications for a Licensed Lay Minister to be licensed to preach or teach adults must be supported with evidence that the person concerned has completed the Diocesan Bishop's Certificate of Ministry or an equivalent theological qualification, however discretion to grant a licence where these conditions are not met may be exercised by the Bishop.

SCHEDULE 1

**AFFIRMATION OF CANONICAL OBEDIENCE**

I,.....do  
solemnly and sincerely affirm that I will pay true and canonical  
obedience to the Bishop of Bunbury and his successors in all things  
lawful and honest.

Declared by the said .....

in the presence of .....

this ..... day of .....  
A.D.

Before me

.....

\* .....

\*The Diocesan Chancellor, or in his absence, before a person  
appointed for the purpose by the Bishop.

SCHEDULE 2

**SYNODAL DECLARATION**

I, .....  
do accept and solemnly promise to observe as for the spiritual  
well-being of the Diocese, the constitution, statutes and regulations  
agreed to and adopted from time to time by the Bishop, Clergy, and  
Laity of the Diocese of Bunbury in Synod assembled.

Declared by the said .....

.....

in the presence of

.....



.....

this      day of

A.D.

Before me

.....

\* .....

\*The Diocesan Chancellor, or in his absence, before a person  
appointed for the purpose by the Bishop.

### SCHEDULE 3

#### DECLARATION OF ASSENT

The Anglican Church of Australia, being an Apostolic Church, receives and retains the Catholic Faith, which is grounded in Holy Scriptures and expressed in the Creeds, and within its Own history, in the Thirty-nine Articles, in the Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons. Accordingly I, (name and address of Licensee) do solemnly make the following declaration:

I firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of The Anglican Church of Australia as expressed in the Thirty-nine articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons; I believe that doctrine to be agreeable to the Word of God: and in public prayer and administration of the sacraments I will use the form in the said book prescribed, and none other, except as far as shall be ordered by lawful authority.

Declared by the said .....

.....  
in the presence of  
.....



.....

this            day of  
A.D  
Before me

.....

\* .....

\*The Diocesan Chancellor, or in his absence, before a person appointed for the purpose by the Bishop.

## **15. THE BUNBURY DIOCESAN MISSION COUNCIL**

### **STATUTE 1999-2004**

WHEREAS it is considered desirable to establish a Council to promote the Mission of the church throughout the Diocese of Bunbury.

BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

#### **1. Council**

A Bunbury Diocesan Mission Council hereinafter referred to as “the Mission Council”) is hereby constituted.

#### **2. Membership**

The Council shall consist of:-

- a) one cleric and one lay person from each Ministry Area: who need not necessarily be members of Synod, who shall be elected at a meeting of each Ministry Area Council prior to the election Synod.  
The Diocesan Secretary is to be informed of the outcome of the election so that Synod can be advised of the names of those elected.  
Should an election fail to be held before the election Synod it should be held as soon as possible after the election Synod.
- b) A Chair (who may or may not be one of the members referred to above) and who shall be appointed by the Bishop and who shall hold office until the appointment of his successor.

### **3. Aims**

The Council shall promote, foster and encourage throughout the Diocese and Church the Mission of God.

### **4. Meetings**

The Chair shall convene the Council regularly PROVIDED THAT not less than three meetings shall be held in each year.

### **5. Disqualification and Vacancies**

Any member of the Council who misses three consecutive meetings without just cause (to be determined by the Bishop-in-Council) shall lose his entitlement to sit on the Council. This and any other vacancy occurring from time to time (other than that of Chair) shall be filled by the Bishop-in-Council.

### **6. Returns**

The Chair of the Annual General Meeting of Parishioners in each Parish shall within sixty days furnish to the Diocesan Secretary:-

- a) the name and address of its Mission Secretary and
- b) a statement of the total contributions of the Parish during that year to the mission activities of the church and this information shall be made available to the Council.

7. This Statute shall be known as “The Bunbury Diocesan Mission Council Statute 1999.”



**16. BUNBURY DIOCESAN MISSION TO  
SEAFARERS STATUTE 1999-2011**

**BE IT ENACTED** by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled.

**1. Title**

This Statute shall be known as “The Bunbury Diocesan Mission to Seafarers Statute 1999-2011.”

**2. Definitions**

In this statute and in the constitution unless the contrary intention appears -

**Australian Council** shall refer to the Australian Council of the Mission to Seafarers.

**Council** shall refer to the Bishop-in-Council constituted under the Bishop-in-Council Statute.

**Trustees** shall mean the Bunbury Diocesan Trustees appointed under “The Bunbury Diocesan Trustees Statute 1985”.

**3. Incorporation of Mission to Seafarers as a Function of the Diocese**

Part of the function of the corporation “Bunbury Diocesan Trustees” shall be the conduct work and operation of the Mission to Seafarers at Bunbury, Albany and such other places as is authorised by Synod or the Bishop-in-Council. Such functions shall be carried out by separate committees in the manner hereinafter provided.

#### **4. Relationship with the Australian Council of the Mission to Seafarers**

- a) The jurisdiction of the diocesan bishop is recognised by the Australian Council as having authority in all appointments in a diocese. The Australian Council also recognises that it could be helpful for a liaison bishop to be involved in the process of appointments and in the resolution of any difficult situations that may arise.
- b) This Synod agrees not to amend the objects hereinafter set out without first obtaining the approval of the Executive of the Australian Council.
- c) The Australian Council shall give guidance and support in the operation of existing stations.
- d) The Australian Council will give guidance and support in the establishment of any new station.

#### **5. Relationship with the Synod of the Diocese and other Churches**

- a) The work of the Mission to Seafarers is recognised by this Synod as a ministry that is to be encouraged within the life of this Diocese.
- b) Application for any new Station is to be made to the Trustees, who together with the Council shall give counsel and advice in any such establishment.
- c) The establishment of any such Station is to be done with the support and encouragement of Parish, Diocese and

Australian Council, so that such work is seen to be an arm of this Church.

- d) Relationships with other churches are to be encouraged so that the work is known and seen to be ecumenical.

## **6. Relationship and Function of the Bishop**

- a) The Bishop of the Diocese shall be President of each Station within the Diocese.
- b) The Bishop of the Diocese shall be the visitor to each Station.
- c) The appointment and dismissal of Chaplains shall be made by the Bishop of the Diocese after consultation with the Committee of the Station and the Liaison Bishop for the area.
- d) The Chaplain shall have the same relationship to the Bishop and the Trustees as a Priest of the Diocese.

## **7. Formation and Constitution of each Station**

- a) The Constitution set out in the Second Schedule hereto is a model constitution which, as agreed with the Australian Council, should be followed as far as practicable by each Station in Australia, but subject to Diocesan Statutes and local conditions.
- b) Amendments to the Constitution of a Station
  - i) Any amendments to the Constitution will be made by a resolution of a two-thirds majority at a General Meeting
    - a) Provided that the notice calling the meeting

must specify at least 14 days in advance of the proposed amendment, and

- b) Provided that the Bunbury Diocesan Trustees, the Bishop and the Executive of the Australian Council of the Mission to Seafarers approve. The Central office in London shall be advised of any such amendments.
- ii) The Amended Constitution shall form a part of the Third Schedule of this Statute.
- c) Each Station shall operate under the management of a separate committee and shall each operate by virtue of this Statute under a constitution.
- d) No new Station will be established in this Diocese without the express consent of the Bishop, the Council, the Trustees and the Australian Council.
- e) A new Station shall be governed by a committee and function and operate under the Model Constitution and this Statute shall govern the new Station in the same way as the existing stations.
- f) The functions and operation of the Bunbury Station shall be carried out on the land contained in the first part of the first schedule hereto and at such other places as is authorised by the Trustees and the Council.
- g) The functions and operation of the Albany Station shall be carried out on the land contained in the second part of the first schedule hereto and at such other places as is authorized by the Trustees and the Council.

## **8. Objects**

- a) The objects of each Station are contained in Clause Two of the Constitution of the Station, as set out in the Second Schedule to this Statute.
- b) The objects shall not be altered except by an amending Statute of this Synod and the approval of the Executive of the Australian Council of the Mission to Seafarers.
- c) The objects shall provide that nothing is undertaken for the private gain of any person and that all activities be of a non-profit nature, and provided that Mission to Seafarers Stations shall only distribute benefits or funds subject to Federal and State legislation.

## **9. Employees**

- a) Persons employed by the respective committees at each Station shall be employees of the corporation “Bunbury Diocesan Trustees” acting under the direction of the local committee. This paragraph does not refer to the Chaplain.

## **10. Dissolution**

- a) A Station may be dissolved after consultation with the Liaison Bishop of the Executive of the Australian Council of the Mission to Seafarers when:
  - (i) A General Meeting so recommends to the Bishop-in-Council, or
  - (ii) The Bishop-in-Council, after consultation

with the Committee, makes a determination.

- b) In the event of dissolution all assets of the said Station shall be handed over to the Trustees. Such assets shall be used for the general purposes of the work of the Mission to Seafarers in Australia or for such other purposes as the Committee, Trustees of the Diocese and Executive of the Australian Council shall determine.
- c) The Welfare Fund may be dissolved by the votes of at least two-thirds majority recorded at a Special Meeting called for such a purpose and thereupon the assets of the Welfare Fund shall be transferred to a fund, authority or institution to which tax deductible gifts can be made.
- d) If the gift fund is wound up or if any endorsement of the organisation as a deductible gift recipient is revoked, any assets of the gift fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or institution to which tax deductible gifts can be made.

## FIRST SCHEDULE

### Part 1

#### BUNBURY MISSION TO SEAFARERS STATION

Lot 5 on diagram 34335.

### Part 2

#### ALBANY MISSION TO SEAFARERS STATION

Lease from Port Authority renewable every twenty years from 1986

(peppercorn rent).

## SECOND SCHEDULE.

### A MODEL CONSTITUTION FOR MISSION TO SEAFARERS STATIONS.

*(italics indicates the local situation and shall be altered accordingly)*

#### **The Mission to Seafarers, Australia**

***Name of Port and State, Station.***

#### **1. Introduction**

**The Mission to Seafarers** is the voluntary society of the Anglican Communion responsible for ministry to seafarers in the name of Christ.

The name of this Station of The Mission to Seafarers is “**The Mission to Seafarers, *name of Port, and State***”, hereinafter referred to as **the Station**.

**Chaplain**, for the purposes of this Constitution, shall refer to the

designated person, ordained or lay, responsible for the pastoral and administrative oversight of a particular Mission to Seafarers Station.

**Committee** shall refer to that body who, in partnership with the Chaplain, shall administer the affairs of the Station, hereinafter referred to as the Committee.

**Bishop** shall refer to the Bishop of the particular Diocese in which the said Station is situated.

**Liaison Bishop** shall refer to a Bishop appointed by the Bishops of the Anglican Church of Australia for oversight of a particular area.

*Trustees shall refer to the incorporated name of the Diocese.*

## **2. The Objects of the Station**

The objects of the Station are:-

- a) To meet the practical and spiritual needs of seafarers of all races and creeds visiting the port. In fulfilling this object, the Station will use means consistent with the principles and received practices of the Anglican Church in the Diocese and with the Constitution of the Australian Council of the Mission to Seafarers.
- b) To assist any seafarer who is in need or in distress.
- c) To contribute to and uphold the work of the Australian Council of the Mission to Seafarers in Australia.
- d) As part of the world-wide family of the Mission to



Seafarers to maintain links with the Central Office in London.

- e) To do all that is right and possible in working together with other churches in serving the needs of the seafarer.
- f) Where possible to provide a place of safety and rest, relaxation and comfort to visiting seafarers.
- g) To make known within the local Parish and Diocese the work of the Mission to Seafarers in Australia and overseas and to seek support and resources for such work.
- h) To keep Diocesan Bishop, the Liaison Bishop and the Central Office in London informed of the activities of the Station through the furnishing of reports as required.
- i) To furnish a report of the activity of the Station to the Diocesan Synod.

### **3. The Committee**

The Committee shall administer the affairs and property of the Station, except as otherwise provided in or under this constitution, by:

- a)
  - (i) dealing with the business of the Station in ensuring that the objects are carried out, and
  - (ii) ensuring that the fabric and maintenance of any building or equipment is maintained, and

(iii)being responsible for the financial management of the Station, and

(iv)being responsible for the ordering of the Annual General Meeting and the election of the Committee.

- b) ensuring any real property acquired by the committee shall be held in the name of *the incorporation of the Diocese* as the Trustees of the Station.
- c) having the authority to create a membership of the Station. Membership is open to any person who subscribes to the Objects of the Station and agrees to be bound by the terms of this Constitution and who is accepted as a member by a motion of the Committee.
- d) having the power to appoint sub-committees as it may think expedient for carrying out its business.
- e) making report in writing, within *two* months of the close of every financial year, on the operation of the station for that financial year and delivering a copy of such report to the Bishop-in-Council for presentation to the annual Synod
- f) *establishing a set of Standing Orders for the conducting of its own business.*

#### 4. **General Meetings**

- a) Persons created members under 3 c) may attend and vote at general meetings. Fourteen days notice of any general meeting including annual general meetings shall be sent to such persons. A meeting is not invalidated by a

failure to give notice to any member.

- b) An Annual General Meeting shall be held within every year (*further delineation is appropriate to suit local conditions*) at which:
  - (i) reports will be made by the Chaplain, the President or Chair of the Committee, and any other recognised working body within the Station.
  - (ii) the treasurer shall present an audited statement of accounts and these shall be delivered to the Bishop-in-Council for presentation to the annual Synod.
  - (iii) the Committee is elected.
  - (iv) the Auditor is elected, and
  - (v) any other general business of which notice has been duly given.
- c) General Meetings may be called by:
  - (i) the Committee,
  - (ii) the Bishop, or
  - (iii) the Liaison Bishop, with the Bishop's permission.
- d) The quorum for such General Meetings shall be *ten persons*.

## **5. The Election and Appointment of the Committee**

The Committee shall consist of:

- a) The Bishop, who shall be the President. The Bishop may appoint a person to act as Chair of the Committee and may revoke such appointment and

make a further appointment.

- b) The Chaplain.
- c) Elected Members, who shall be *not less than five and not more than twelve* persons elected at the Annual General Meeting.
- d) The Secretary and the Treasurer shall be appointed by the Committee. Persons may be appointed from outside the Committee.
- e) One member for each body of helpers recognised by the Committee as an Auxiliary Body may be elected at the Annual Meeting as a representative of that Body.
- f) *Other persons who may attend in an advisory capacity will include the Liaison Bishop, and any person that the Committee may appoint or co-opt.*
- g) (Any additional clause that helps to deal with local conditions).

## **6. Appointments**

- a) The appointment and dismissal of the Chaplain shall be made by the Bishop after consultation with the Committee and the Liaison Bishop.
- b) Where the Chaplain is not ordained the Bishop may appoint an ordained person to support the ministry of the Chaplain.
- c) The Committee may appoint and remunerate and dismiss other persons as it may consider necessary only with the

agreement of the Chaplain. Such persons shall be under the direction of the Chaplain.

## **7. Finance**

- a) The funds of the Station shall be banked in the name of *the Station*.
- b) All payments made by cheque shall be signed by any two members of the Committee from *four (4)* of its members designated by the Committee for that purpose.
- c) The Committee shall keep or cause to be kept accounts of all sums received and expended by the Station and of all matters in respect of which receipts and expenditure take place and of all property credits and liabilities of the Station.
- d) The books of account and any other records shall at all time be available for inspection by the Chaplain, or any member of the Committee, or by the Liaison Bishop.
- e) No accounts due by the Station shall be paid until such payment shall have been authorised by the Committee or a person or persons appointed by it for that purpose.
- f) *The financial year shall be that of the Diocese*, with proper financial statements being drawn up for the period ended on that date.

## **8. Amendments to a Constitution**

*Any amendments to a Constitution based on this Model Constitution* will be made by a resolution of a two-thirds

majority at a General Meeting provided that the notice calling the meeting must specify at least 14 days in advance of the proposed amendment, and provided that (*the Trustees of the Diocese*), the Bishop, and the Executive of the Australian Council of the Mission to Seafarers approve. The Central Office in London shall be advised of any such amendments.

## **9. Dissolution**

A Station may be dissolved after consultation with the Liaison Bishop and the Executive of the Australian Council of the Mission to Seafarers when:

- a) A General Meeting so recommends to the Bishop-in-Council, or
- b) The Bishop-in-Council, after consultation with the Committee, makes a determination.

In the event of dissolution all assets of the said Station shall be handed over to the Trustees. Such assets shall be used for the general purposes of the work of the Mission to Seafarers in Australia *or for such other purposes as the Committee, Trustees of the Diocese and Executive of the Australian Council shall determine.*

## **10. Adoption of a Constitution**

*A Constitution based on this “model” Constitution shall not come into force until such time as it has been agreed to by the Committee, the Executive of the Australian Council and the Bishop, and duly signed. The Central Office in London shall be advised of such adoption.*

## THIRD SCHEDULE - PART 1

### ***A CONSTITUTION FOR THE BUNBURY MISSION TO SEAFARERS STATION***

**The Mission to Seafarers, Australia. *Bunbury, Western Australia.***

#### **1. Introduction**

The Mission to Seafarers is the voluntary society of the Anglican Communion responsible for ministry to seafarers in the name of Christ.

The name of this Station of The Mission to Seafarers is “**The Mission to Seafarers, *Bunbury Western Australia*”**, hereinafter referred to as the Station.

**Chair**, shall refer to the person appointed by the Bishop of Bunbury to chair all Committee meetings and General meetings of volunteers at this Station.

**Chaplain**, for the purposes of this Constitution, shall refer to the designated person, ordained or lay, responsible for the pastoral and *spiritual* oversight of *the Bunbury Mission to Seafarers Station*.

**Manager** shall refer to the person appointed by the Committee with the agreement of the bishop, responsible for the administrative oversight of *the Bunbury Mission to Seafarers Station*.

**Committee** shall refer to that body who, in partnership with the Chaplain *and Manager*, shall administer the affairs of the

Station, hereinafter referred to as the Committee.

**Bishop** shall refer to the *Bishop of Bunbury*.

**Liaison Bishop** shall refer to a Bishop appointed by the Bishops of the Anglican Church of Australia for oversight of a particular area.

**Trustees** shall refer to *the Bunbury Diocesan Trustees*.

## **2. The Objects of the Station**

The objects of the Station are:-

- a) To meet the practical and spiritual needs of seafarers of all races and creeds visiting the port. In fulfilling this object, the Station will use means consistent with the principles and received practices of the Anglican Church in the Diocese and with the Constitution of the Australian Council of the Mission to Seafarers.
- b) To assist any seafarer who is in need or in distress.
- c) To contribute to and uphold the work of the Australian Council of the Mission to Seafarers in Australia.
- d) As part of the world-wide family of the Mission to Seafarers to maintain links with the Central Office in London.
- e) To do all that is right and possible in working together with other churches in serving the needs of the seafarer.
- f) Where possible to provide a place of safety and rest, relaxation and comfort to visiting seafarers.
- g) To make known within the local Parish and Diocese the



work of the Mission to Seafarers in Australia and overseas and to seek support and resources for such work.

h) To keep the Diocesan Bishop, the Liaison Bishop and the Central Office in London informed of the activities of the Station through the furnishing of reports as required.

i) To furnish a report annually, of the activity of the Station to the Diocesan Synod.

### **3. The Committee**

The Committee shall administer the affairs and property of the Station, except as otherwise provided in or under this constitution, by:

a)

- (i) Dealing with the business of the Station in ensuring that the objects are carried out, and
- (ii) Ensuring that the fabric and maintenance of any building or equipment is maintained, and
- (iii) Being responsible for the financial management of the Station, and
- (iv) Being responsible for the ordering of the Annual General Meeting and the election of the Committee.

b) Ensuring any real property acquired by the committee shall be held in the name of *the Bunbury Diocesan Trustees* as the Trustees of the Station.

c) Having the authority to create a membership of the Station. Membership is open to any person who subscribes to the Objects of the Station and agrees to be bound by the terms of

this Constitution and who is accepted as a member by a motion of the Committee.

- d) Having the power to appoint sub-committees as it may think expedient for carrying out its business.
- e) Making report in writing, within three months of the close of every financial year, on the operation of the station for that financial year and delivering a copy of such report to the Bishop-in-Council for presentation to the annual Synod.
- f) Establishing a set of Standing Orders for the conducting of its own business.

#### **4. General Meetings**

- a) Persons created members under 3 c) may attend and vote at general meetings. Fourteen days notice of any general meeting including annual general meetings shall be sent to such persons. A meeting is not invalidated by a failure to give notice to any member.
- b) An Annual General Meeting shall be held during the *month of March or a convenient date set by the Bishop* at which:
  - (i) Reports will be made by the Chaplain, President or the Chair of the Committee, the Manager and any other recognised working body within the Station.
  - (ii) The treasurer shall present an audited statement of accounts and these shall be delivered to the Bishop-in-council for presentation to the annual Synod.
  - (iii) The Committee is elected.
  - (iv) The Auditor is elected, and
  - (v) Any other general business of which notice had

been duly given.

- c) General Meetings may be called by:
  - (i) The Committee,
  - (ii) The Bishop, or
  - (iii) The Liaison Bishop, with the Bishop's permission.
  - (iv) The quorum for such General Meetings shall be ten persons.

## **5. The Election and Appointment of the Committee**

The Committee shall consist of:

- a) The Bishop, who shall be the President. The Bishop may appoint a person to act as Chair of the Committee and may revoke such appointment and make a further appointment.
- b) The Chaplain.
- c) *The Manager.*
- d) Elected Members, who shall be not less than five and not more than twelve persons elected at the Annual General Meeting.
- e) The Committee shall appoint the Secretary and the Treasurer. Persons may be appointed from outside the Committee.
- f) Other persons who may attend in an advisory capacity will include the Liaison Bishop, and any person that the Committee may appoint or co-opt.

g) Casual Vacancies may be filled by the Committee.

## **6. Appointments**

- a) The appointment and dismissal of the Chaplain shall be made by the Bishop after consultation with the Committee and the Liaison Bishop.
- b) Where the chaplain is not ordained the Bishop may appoint an ordained person to support the ministry of the Chaplain.
- c) *The appointment and dismissal of the Manager shall be made by the Committee with the agreement of the Bishop after consultation with the Liaison Bishop.*
- d) The Committee may appoint and remunerate and dismiss other persons, as it may consider necessary only with the agreement of the *Manager*. Such persons shall be under the direction of the Manager.

## **7. Finance**

- a) The funds of the Station shall be banked in the name of *the Bunbury Station*.
- b) All payments made by cheque shall be signed by any two members of the Committee from four (4) of its members designated by the Committee for that purpose.
- c) The Committee shall keep or cause to be kept accounts of all sums received and expended by the Station and of all matters in respect of which receipts and expenditure take place and of all property credits

and liabilities of the Station.

- d) The books of account and any other records shall at all times be available for inspection by the *Manager*, or any member of the Committee, or by the Liaison Bishop.
- e) No accounts due by the Station shall be paid until such payment shall have been authorised by the Committee or a person or persons appointed by it for that purpose.
- f) The financial year shall be that of the Diocese, with proper financial statements being drawn up for the period ended on that date.

## **8. Amendments to a Constitution**

Any amendments to *this Constitution* will be made by a resolution of a two-thirds majority at a General Meeting provided that the notice of meeting has specified at least 14 days in advance the proposed amendment, and provided that the Trustees of the Diocese, the Bishop, and the Executive of the Australia Council of the Mission to Seafarers approve. The Central Office in London shall be advised of any such amendments.

## **9. Dissolution**

A Station may be dissolved after consultation with the Liaison Bishop and the Executive of the Australian Council of the Mission to Seafarers when:

- a) A General Meeting so recommends *to the Bunbury Diocesan Trustees*, or
- b) The Bishop-in-Council, after consultation with the Committee, makes a determination.

In the event of dissolution all assets of the said Station shall be handed over to the Trustees. Such assets shall be used for *the support of seafarers in the City of Bunbury* or for the general purposes of the work of the Mission to Seafarers in Australia as the Committee, Trustees of the Diocese and Executive of the Australian Council shall determine.

## **10. Adoption of a Constitution**

*This Constitution* shall not come into force until such time as it has been agreed to by the Committee, the Executive of the Australia Council and the Bishop, and duly signed. The Central Office in London shall be advised of such adoption.

## THIRD SCHEDULE - PART 2

### ***A CONSTITUTION FOR THE ALBANY MISSION TO SEAFARERS STATION***

**The Mission to Seafarers, Australia. *Albany, Western Australia.***

#### **1. Introduction**

The Mission to Seafarers is the voluntary society of the Anglican Communion responsible for ministry to seafarers in the name of Christ.

The name of this Station of The Mission to Seafarers is “**The Mission to Seafarers, Albany *Western Australia***”, hereinafter referred to as the Station.

**Chair**, shall refer to the person appointed by the Bishop of Bunbury to chair all Committee meetings and General meetings of volunteers at this Station.

**Chaplain**, for the purposes of this Constitution, shall refer to the designated person, ordained or lay, responsible for the pastoral, administrative and *spiritual* oversight of *the Albany Mission to Seafarers Station*.

**Committee** shall refer to that body who, in partnership with the Chaplain, shall administer the affairs of the Station, hereinafter referred to as the Committee.

**Bishop** shall refer to the *Bishop of Bunbury*.

**Liaison Bishop** shall refer to a Bishop appointed by the Bishops of the Anglican Church of Australia for oversight of a particular

area.

**Trustees** shall refer to *the Bunbury Diocesan Trustees*.

## **2. The Objects of the Station**

The objects of the Station are:-

- a) To meet the practical and spiritual needs of seafarers of all races and creeds visiting the port. In fulfilling this object, the Station will use means consistent with the principles and received practices of the Anglican Church in the Diocese and with the Constitution of the Australian Council of the Mission to Seafarers.
- b) To assist any seafarer who is in need or in distress.
- c) To contribute to and uphold the work of the Australian Council of the Mission to Seafarers in Australia.
- d) As part of the world-wide family of the Mission to Seafarers to maintain links with the Central Office in London.
- e) To do all that is right and possible in working together with other churches in serving the needs of the seafarer.
- f) Where possible to provide a place of safety and rest, relaxation and comfort to visiting seafarers.
- g) To make known within the local Parish and Diocese the work of the Mission to Seafarers in Australia and overseas and to seek support and resources for such work.
- h) To keep the Diocesan Bishop, the Liaison Bishop and the Central Office in London informed of the activities of the Station through the furnishing of reports as required.



- i) To furnish a report of the activity of the Station to the Diocesan Synod.

### **3. The Committee**

The Committee shall administer the affairs and property of the Station, except as otherwise provided in or under this constitution, by:

- a)
  - (i) Dealing with the business of the Station in ensuring that the objects are carried out, and
  - (ii) Ensuring that the fabric and maintenance of any building or equipment is maintained, and
  - (iii) Being responsible for the financial management of the Station, and
  - (iv) Being responsible for the ordering of the Annual General Meeting and the election of the Committee.
  
- b) Ensuring any real property acquired by the committee shall be held in the name of *the Bunbury Diocesan Trustees* as the Trustees of the Station.
  
- c) Having the authority to create a membership of the Station. Membership is open to any person who subscribes to the Objects of the Station and agrees to be bound by the terms of this Constitution and who is accepted as a member by a motion of the Committee.
  
- d) Having the power to appoint sub-committees as it may think expedient for carrying out its business.

e) Making report in writing, within three months of the close of every financial year, on the operation of the station for that financial year and delivering a copy of such report to the Bishop-in-Council for presentation to the annual Synod.

f) Establishing a set of Standing Orders for the conducting of its own business.

#### **4. General Meetings**

a) Persons created members under 3 c) may attend and vote at general meetings. Fourteen days notice of any general meeting including annual general meetings shall be sent to such persons. A meeting is not invalidated by a failure to give notice to any member.

b) An Annual General Meeting shall be held during the *month of March or a convenient date set by the Bishop* at which:

- (i) Reports will be made by the Chaplain, President or the Chair of the Committee, the Manager and any other recognised working body within the Station.
- (ii) The treasurer shall present an audited statement of accounts and these shall be delivered to the Bishop-in-council for presentation to the annual Synod.
- (iii) The Committee is elected.
- (iv) The Auditor is elected, and
- (v) Any other general business of which notice had been duly given.

c) General Meetings may be called by:

- (i) The Committee,
- (ii) The Bishop, or
- (iii) The Liaison Bishop, with the Bishop's

permission.

(iv) The quorum for such General Meetings shall be ten persons.

## **5. The Election and Appointment of the Committee**

The Committee shall consist of:

- a) The Bishop, who shall be the President. The Bishop may appoint a person to act as Chair of the Committee and may revoke such appointment and make a further appointment.
- b) The Chaplain.
- c) Elected Members, who shall be not less than five and not more than twelve persons elected at the Annual General Meeting.
- d) The Committee shall appoint the Secretary and the Treasurer. Persons may be appointed from outside the Committee.
- e) Other persons who may attend in an advisory capacity will include the Liaison Bishop, and any person that the Committee may appoint or co-opt.
- f) Casual Vacancies may be filled by the Committee.

## **6. Appointments**

- a. The appointment and dismissal of the Chaplain shall be made by the Bishop after consultation with the Committee and the Liaison Bishop.

- b. Where the chaplain is not ordained the Bishop may appoint an ordained person to support the ministry of the Chaplain.
- c. The Committee may appoint and remunerate and dismiss other persons, as it may consider necessary only with the agreement of the Chaplain. Such persons shall be under the direction of the Chaplain.

## **7. Finance**

- a) The funds of the Station shall be banked in the name of *the Albany Station*.
- b) All payments made by cheque shall be signed by any two members of the Committee from four (4) of its members designated by the Committee for that purpose.
- c) The Committee shall keep or cause to be kept accounts of all sums received and expended by the Station and of all matters in respect of which receipts and expenditure take place and of all property credits and liabilities of the Station.
- d) The books of account and any other records shall at all times be available for inspection by the Chaplain, or any member of the Committee, or by the Liaison Bishop.
- e) No accounts due by the Station shall be paid until such payment shall have been authorised by the Committee or a person or persons appointed by it for that purpose.
- f) The financial year shall be that of the Diocese, with proper financial statements being drawn up for the

period ended on that date.

## **8. Amendments to a Constitution**

Any amendments to *this Constitution* will be made by a resolution of a two-thirds majority at a General Meeting provided that the notice of meeting has specified at least 14 days in advance the proposed amendment, and provided that the Trustees of the Diocese, the Bishop, and the Executive of the Australia Council of the Mission to Seafarers approve. The Central Office in London shall be advised of any such amendments.

## **9. Dissolution**

A Station may be dissolved after consultation with the Liaison Bishop and the Executive of the Australian Council of the Mission to Seafarers when:

- i) A General Meeting so recommends *to the Bunbury Diocesan Trustees*, or
- ii) The Bishop-in-Council, after consultation with the Committee, makes a determination.

In the event of dissolution all assets of the said Station shall be handed over to the Trustees. This does not include the land and building which are currently being leased from the Albany Port Authority. Such assets shall be used for *the support of seafarers in the City of Albany* or for the general purposes of the work of the Mission to Seafarers in Australia as the Committee, Trustees of the Diocese and Executive of the Australian Council shall determine.

## **10. Adoption of a Constitution**

*This Constitution* shall not come into force until such time as it has been agreed to by the Committee, the Executive of the Australia Council and the Bishop, and duly signed. The Central Office in London shall be advised of such adoption.

## **17. THE PAROCHIAL NOMINATION BOARD**

### **STATUTE 1987 - 2010**

Be it enacted by the Bishop, Clergy and Laity of the Dioceses of Bunbury in Synod assembled:-

1. This Statute shall be known as “The Parochial Nomination Board Statute 1987.”
2. The Patronage Board Statute 1949-1979 is hereby repealed, but such repeal shall not affect any act, deed or thing lawfully done under the said Statute prior to the passing of this Statute.
3. Purpose of the Board
  - a) The purpose of The Parochial Nomination Board (hereinafter called the Board) is to nominate to the Bishop of the Diocese a Cleric (or Clerics) for consideration for appointment to a parish in which the cure of souls is vacant or is becoming vacant.
  - b) Such a Board shall be constituted for every ecclesiastical district which is deemed to be a parish under the provisions of the Parochial Statute.

#### **4. Members of the Board**

- a) The Bishop will be the Chair or will appoint a Chair.
- b) One priest who has been licensed in the Diocese for not less than three (3) years, and one lay person who is a member of Synod, chosen by the Bishop from a panel of three of each, duly elected at the first session of each triennial Synod.
- c) No Diocesan representative shall act in relation to a nomination for a parish of which he/she is a parishioner.

- d) The Churchwardens of the parish and if desired, Two (2) parishioners of the parish in question, qualified to be members of Synod, who shall be elected annually at the Annual Meeting of parishioners. The names and addresses of the Parochial members shall be sent to the Diocesan Secretary.
- e) The Bishop may invite the appropriate Archdeacon and Area Dean, but they shall have no vote.

## **5. Casual Vacancies on Board**

In the event of such vacancies occurring, the Council shall appoint Synodal substitutes, and the parish council a qualified parochial substitute, for the remainder of the term for which the retiring member has been elected.

## **6. Procedure**

- a) Upon the public announcement of the resignation or retirement of a cleric from a parish the Bishop shall convene the Board. All discussions of the Board shall be confidential.
- b) A quorum shall consist of the Chair, one Diocesan member (clause 4 b) and two parochial members (clause 4d).
- c) The Chair has no vote. In the event of a tied vote the nomination will be deemed to have failed.
- d) The Board shall determine upon the particular procedure it shall follow, and will consider the wisdom of inviting applications through appropriate advertisement.
- e) The Board may make enquiries through the Bishop concerning the character, person, previous work, and health of any prospective nominee.
- f) The Board shall nominate a Cleric to the Bishop to be invited



to meet with the Parochial Nominators with a view to the cleric being appointed Parish Priest. The appointment will only proceed if the Bishop and the Parochial Nominators agree that a formal invitation should be extended.

- g) No Cleric shall be invited to meet with the Parochial Nominators unless the Cleric shall have received the votes of at least one Diocesan and two Parochial members of the Board who must sign a declaration on the form set out in the schedule to this Statute.
- h) At any stage of the process the Bishop may decline to give approval. This decision shall be final and the Bishop shall not be required to disclose reasons.
- i) When a Cleric has been nominated to the Bishop, the Bishop shall arrange as soon as possible to invite the nominated Cleric or Clerics to meet with the Parochial Nominators with a view to a formal invitation being extended.
- j) Following this meeting the Bishop will consult with the Parochial Nominators to determine whether such invitation is extended.
- k) If the Cleric declines to accept the offer, the Board shall be summoned afresh.
- l) If the Cleric accepts the invitation to be Parish priest it shall be the duty of the Bishop to arrange a date for the Recognition Service after consultation with the Cleric and the Churchwardens, to take place after the resignation of the former Cleric takes effect.

## **7. Bishop's Right of Appointment**

- a) In the event of there being no appointment after four clergy have been approached, the Bishop may exercise the right of appointment without further consultation.
- b) The Bishop shall have the right of appointment to every Cure of Souls for which this Statute does not provide, including temporary arrangements.
- c) The Bishop, after consultation with the Board, may exercise the right of appointment to a vacant Cure of Souls, after three consecutive ministries by Board nominees have been completed.

## THE SCHEDULE

(To be signed by at least one Diocesan member and two parochial members, and approved by the Bishop).

We, the undersigned Members of the Parochial Nomination Board, declare that we have this date nominated,

The Reverend \_\_\_\_\_

At present \_\_\_\_\_

To meet with the Bishop and Parochial Nominators of the

Parish of \_\_\_\_\_

With a view to a formal invitation being extended to the said cleric

To be Parish Priest of \_\_\_\_\_

Signed:

Diocesan Members \_\_\_\_\_

\_\_\_\_\_

Parochial Members \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Action taken by the Bishop: \_\_\_\_\_

\_\_\_\_\_

**18. THE ORDINATION OF MEN AND WOMEN AS**  
**PRIESTS STATUTE 1992**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known and cited as “The Ordination of Men and Women as Priests Statute 1992.”
2. Notwithstanding any other law of the church, a man or a woman may be admitted to the office of priest in this Diocese in accordance with the form appropriate to that Office set out in the Ordinal included in the Book of Common Prayer or in the Ordinal included in An Australian Prayer Book; or in accordance with any other form appropriate to that Office and approved for use in this Anglican Church of Australia: the language of any such form being adapted for the purpose so far as may be necessary for the admission of a woman to that Office.
3. Those who cannot agree with this in conscience need not be bound in principle, but shall continue to be loved and welcomed in every facet of Diocesan life.
4. In accordance with General Synod procedure this Statute shall require a majority vote of at least 67% in order to be adopted by this Synod.

## **19. THE PAROCHIAL STATUTE 1994-2010**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known as “The Parochial Statute 1994”.
2. The Parochial Statute 1986-1992 is hereby repealed, but such repeal shall not affect any act, deed or thing lawfully done under the said Statute prior to the passing of this Statute.

### **3. Parishes**

- a) The Diocese, in respect of the members of the church residing therein, shall be divided into parishes. All parishes existing in the Diocese at the time of the passing of this Statute shall be recognised as parishes.
- b) Parishes that have an adequate church building and rectory as approved by the Bishop-in-Council (hereinafter referred to as the Council) and are deemed by the Council able and willing to meet the financial requirements of that parish, shall be eligible to nominate a new priest when a vacancy occurs subject to The Parochial Nomination Board Statute.
- c) Parishes that do not meet the criteria of Section 3 b) shall not be eligible to make such a nomination or having been eligible shall forfeit the eligibility so that any future appointment to that parish is made by the Bishop.

#### 4. **New Parishes**

- a) The Council may move to constitute a new parish. Full discussion shall take place with any parish council that is affected. Consideration shall be given to all comments, suggestions and objections lodged with the Diocesan Secretary within ninety days after the date of issue of a notice of intention.
- b) The Council shall report the final drafts of all such proposals and recommendations concerning any such changes to the next session of Synod. If the changes proposed are agreed, and approval is given by Synod, the new parish shall be declared under the hand and seal of the Bishop.
- c) The Council may, if it deems necessary, as a matter of urgency, and without the consent of Synod, make such new parishes as it considers appropriate on its own authority, but such changes shall only be those sufficient to satisfy urgent need and must be brought before the next ordinary session of Synod for ratification.
- d) When an existing parish is divided between other parishes, the Council will examine the financial position and divide its assets and liabilities between the other parishes in a fair and reasonable way. Money for specific purposes, other than normal expenses of the former parish, shall not be included among the assets.
- e) No new parish shall be constituted until:
  - i) accommodation approved by the Council is available for the priest, and
  - ii) appropriate arrangements are made to meet the financial requirements.
- f) On the creation of a new parish, and after a mandate has been

issued by the Bishop, there shall be held a Special Meeting of Parishioners for the purpose of electing churchwardens, parish councillors and an auditor, all of whom shall hold office until their successors are appointed at an Annual Meeting.

## **5. Parish Organisation**

- a) Each parish shall have a parish Council.
- b) Where there is more than one centre at which Public Services are held there may be a Local Committee (hereinafter referred to as “a Committee”) for each such centre including the main centre (Section 13 Local Committees).

## **6. Parish Council**

- a) The parish council shall consist of:

The priest with pastoral oversight  
Assistant clergy holding the Bishop's Licence  
(Licensing Statute 2006, Section 5)  
The churchwardens  
Two synod representatives  
Not less than three nor more than nine elected  
councillors except where Local Committees have elected Local  
Wardens as members of Parish Council, and  
Two additional councillors, either lay or clergy, who may be  
appointed by the priest.

- b) All councillors shall be confirmed communicant members of the church and shall have attained the age of eighteen years.
- c) No councillor may appoint a proxy.
- d) For every parish there shall be an auditor who shall not be a councillor (Section 10 d).

- e) Members of non-Anglican churches may be councillors provided:
  - i) their own church is not available for them to attend,
  - ii) they are baptised and recognised communicant members of their own church,
  - iii) they are prepared to make a commitment to the local church whilst in the parish, and
  - iv) on becoming permanent residents of the parish they are prepared to be received into the Anglican Church.
  - v) They have met the above criteria and written approval has been granted by the Bishop.
- f) A Meeting of the parish council shall be held within one calendar month following the Annual Meeting of Parishioners, and monthly thereafter if possible, and not less often than quarterly. Special Meetings of the parish council may be convened by the priest and shall be convened on the request of the churchwardens or of a majority of the parish council members. At least two days notice of all meetings shall be given to every member by the parish council secretary (acting on the instructions of the convenor).
- g) Annually at its first meeting the parish council of every parish shall elect a secretary (who shall be a parishioner). The secretary need not be a member of the parish council, but if not a member shall have no vote.  
The priest shall forward to the Diocesan Secretary the name of the person elected to this office within one week of the election. No Cleric shall be eligible for the office of Secretary or Treasurer of Council or of a local Committee.

## **7. Responsibilities of Churchwardens**

It is the responsibility of Churchwardens:



- a) To work with the priest who has pastoral oversight of the parish for the advancement of the Kingdom of God and the building up of the Church.
- b) To offer friendship and support to the clergy of the parish.
- c) To ensure that the parish council provides Bread and Wine for the Holy Communion and procures all things necessary for Public Worship.
- d) To preserve order in the church and churchyard, and to ensure that the parish council takes all practicable steps to accommodate the worshippers in the church.
- e) To see the preservation with all due care of the church, church furniture and ornaments, and all other parochial buildings. To see that they are kept sufficiently insured, and to report to the parish council any deficiencies in these matters.
- f) To arrange for the collection of the offerings in the local church, to see that a record is kept of all amounts collected, and to see that all special collections are applied promptly to their specified purposes. The Service Register shall record all such collections and offerings.
- g) To ensure that the local contributions to Stipend and Diocesan Assessment are remitted to the Diocesan Secretary by the tenth day of each month.
- h) Either by themselves or through a Treasurer appointed by them as their agent (and who shall be a lay parishioner who may or may not be an elected member of the parish council, see Clause 6 a), to open and maintain such bank accounts as shall be needful for the convenient handling of Parochial Funds and other Funds in transit through Parochial Accounts. Such bank accounts shall be in the name of the Anglican Parish of ..... and shall be managed on their responsibility. They shall be operated only by such person or

persons as the Churchwardens appoint. All monies received by the Churchwardens or those whom they appoint shall be paid into their official bank accounts within seven days of receipt. The church wardens or Treasurer shall disburse the same under the authority of the parish council, and shall furnish to the parish council at each meeting statements of all sums received and disbursed.

- i) To ensure that the parish council remits to the Diocesan Trustees, as the only body in the Diocese authorised to hold Trust Funds for parochial or other ecclesiastical purposes and Special Funds donated for specified purposes, all such Trust or Special Purpose Funds as may be, or may come into, their possession.
- j) To obtain the approval of Bishop-in-Council before any monies are to be borrowed for whatever purpose.
- k) To see that the accounts are made up and closed on the thirty-first day of December each year, and that a duly audited statement of accounts be laid before the next Annual Meeting of Parishioners, and to forward promptly a copy of the audited statement of accounts to the Diocesan Secretary.
- l) To keep a book to be known as the Churchwardens' Book to be used for the purposes set out in the Interpretation Statute.
- m) To attend the Bishop or Archdeacon whenever required.
- n) To see that minutes are kept of all Meetings of Parishioners and of the parish council, and to keep an Inventory of all church capital equipment and moveable properties. To hand over to their successors, the custody of all such equipment and properties and the inventory thereof, and all monies in hand.
- o) To report to the Diocesan Trustees if a Rectory ceases to be occupied, and at their request to take charge of it.

- p) To see that the names of all those who preach or conduct the Services of the church are forthwith entered in the Register of Services.
- q) To see that no person officiates as a Cleric without the Licence of the Bishop of this Diocese to do so, and to consult with the Bishop or Archdeacon, preferably by telephone, if any person offers to officiate as a Cleric but is unable to produce the Bishop's Licence.
- r) After consultation with the parish council and with the concurrence of the priest to engage and dismiss paid officers and employees of the parish.

## **8. Responsibilities of Local Wardens**

It is the responsibility of Local Wardens:

- a) To work with the priest who has pastoral oversight of the parish for the advancement of the Kingdom of God and the building up of the Church in the Local Community.
- b) To offer friendship and support to the clergy of the parish or parish.
- c) To ensure that the Local Committee provides Bread and Wine for the Holy Communion and procures all things necessary for Public Worship.
- d) To preserve order in the church and churchyard, and to ensure that the Local Committee takes all practicable steps to accommodate the worshippers in the church.
- e) To assist the Churchwardens to see the preservation with all due care of the church, church furniture and ornaments, and all other parochial buildings. To see that they are kept sufficiently insured, and to report to the parish council any deficiencies in these matters.

- f) To arrange for the collection of the offerings in their local church, to see that a record is kept of all amounts collected, and to see that all special collections are applied promptly to their specified purposes. The Service Register shall record all such collections and offerings.
- g) To ensure that the local centre's contributions to the Parish budget is remitted to the Parish Treasurer by the fourth day of each month.
- h) Either by themselves or through a Treasurer appointed by them as their agent (and who shall be a lay parishioner who may or may not be an elected member of the parish council, see Clause 6 a), to open and maintain such bank accounts as shall be needful for the convenient handling of Local Committee Funds and other Funds in transit through Local Accounts. Such bank accounts shall be in the name of the Anglican Parish of ..... and shall be managed on their responsibility. They shall be operated only by such person or persons as the Local Wardens appoint. All monies received by the Local Wardens or those whom they appoint shall be paid into their official bank accounts within seven days of receipt. The Local Wardens or Treasurer shall disburse the same under the authority of the parish council, and shall furnish to the parish council at each meeting statements of all sums received and disbursed.
- i) To ensure that all monies that are donated to or set aside by the Local Committee for special purposes are remitted to the Parish Treasurer for investment with the Diocese.
- j) To ensure that the accounts for the Local Committee are made up and closed on the thirty-first day of December each year, and that a duly audited statement of accounts be laid before the next Annual Meeting of the Local Congregation and that a copy be forwarded to the Parish Treasurer forthwith.

- k) To attend the Bishop or Archdeacon whenever required.
- l) To see that minutes are kept of all Local Committee meetings and that an Inventory of all church capital equipment and moveable properties for their centre is kept up to date and ready to hand on to their successors.
- m) To see that the names of all those who preach or conduct the Services of the church are forthwith entered in the Register of Services.
- n) To see that no person officiates as a Cleric without the Licence of the Bishop of this Diocese to do so, and to consult with the Bishop or Archdeacon, preferably by telephone, if any person offers to officiate as a Cleric but is unable to produce the Bishop's Licence.

## 9. Responsibilities of Councillors

It is the responsibility of councillors:

- a) To help forward in every way possible the spiritual and evangelistic work of the Kingdom of God in the parish. To encourage and support the priest and other clergy, and with them to provide for the pastoral care of parishioners and also of those outside the worshipping community.
- b) To devise and authorise all such works and measures as may seem to members to be for the welfare of the parish. To consider all contracts and works recommended to them by the priest or by the churchwardens, and at their own discretion to vote the sums of money' that shall be required to carry them out.
- c) To devise means whereby all parochial buildings, furniture, equipment, and property be kept in order and adequately insured against loss or damage by fire, storm or tempest.
- d) To provide for the purchase of all things needful for Public Worship.
- e) To control all expenditure of the Funds of the District and to vote the necessary money for the payment of stipends, salaries, fees and honoraria as may be appropriate. To prepare a budget for the ensuing year for presentation at the Annual Meeting of Parishioners.
- f) To table at the Annual Meeting of Parishioners a Report of their proceedings for the previous year in the Parish Council Minute Book. If in each case the priest shall have given his consent, the Secretary shall make the Minute Book available for inspection by individual parishioners on request.
- g) To advise on all matters referred to them by the Council or the Diocesan Trustees, and to initiate by resolution Petitions and

Enquiries to either of these bodies whenever appropriate.

- h) Generally to assist the churchwardens in the discharge of their duties, especially in the accommodation of the worshippers in the church, the collection of alms, and the provision of regular payments of the stipends, Diocesan Assessments, and other Statutory Fees of the Diocese.

## **10. Annual Meeting of Parishioners**

- a) In every parish there shall be held each year before the end of February an Annual Meeting of parishioners. With the consent of the Bishop an Annual Meeting may be held in March. The agenda for such a meeting is laid down in Clause 10 d).
- b) The parish council shall nominate the time and place of the meeting.
  - i) Notice shall be given at all public Services of the church at least on the two preceding Sundays, and
  - ii) in writing on the church notice board at least ten clear days before the meeting.
  - iii) Only parishioners (as defined in the Interpretation Statute) of that particular parish shall be qualified to vote.
  - iv) The method of nominating members to the parish council shall be determined by the outgoing parish council. The parish shall be advised before nominations close. Provided that:
    - (a) In the six weeks leading up to the Annual Meeting of Parishioners, parishioners are asked to pray that God will raise up and reveal those who He is calling to be members of the Parish Council.
    - (b) Nominations shall be in writing on the prescribed

form (see Schedule 3) and be handed to either the priest or churchwardens before a set closing date.

- (c) The names of those nominated shall be read out at all Services on the Sunday prior to the Annual Meeting, so that Parishioners can pray, seeking the mind of the Lord.
  
- c) If a parish fails to arrange an Annual Meeting of Parishioners, or an Annual Meeting fails to elect all officers (see Clause 10 d), the Bishop may issue a Mandate directing that a Special Meeting of Parishioners be held at a date of his choosing.
  - i) The agenda for such a meeting shall be that laid down in Clause 10 d.
  - ii) If any Parochial Office is not filled the Council may make appointments to such offices.
  
- d) The Agenda of an Annual Meeting of Parishioners.
  - i) Prayer.
  - ii) The Definition of a Parishioner (Interpretation Statute) shall be read. Only parishioners who are present and have signed the declaration in the Churchwardens' Book may vote. The Declaration contained in the Second Schedule of this Statute shall be read.
  - iii) The minutes of the preceding Annual Meeting of parishioners, and of any Special or Extraordinary Meetings of Parishioners shall be read and confirmed.
  - iv) Reports, as determined by the Parish Council, shall be presented, but must include that of:

The priest (or person licensed by the Bishop to be in charge),



The churchwardens; and  
The Mission Secretary.

The meeting shall determine how to deal with the Reports.

- v) A statement of the Insurance Policies held by the parish and of their respective values shall be included in the Churchwardens' Report. A Memorandum shall be circulated, or statement made by a churchwarden to remind parishioners of the arrangements under which bequests or special gifts may be made to the Diocese or parish (see Schedule 1).
- vi) The churchwardens, or their appointed treasurer, shall present the financial statements required by this Statute, and the budget prepared by the parish council for the following year.
- vii) The Cleric appointed by the Bishop, or the Bishop (during a vacancy) shall appoint a Churchwarden.
- viii) The elections shall take place of the following persons (see Clause 10 d) (ix)).
  - a) one or two Churchwardens as determined by the meeting
  - b) two Synod representatives, provided the Bishop's Mandate has been received
  - c) a Mission Secretary who will report in writing to Parish Council at least quarterly but need not be a member of the Parish Council.
  - d) an auditor
  - e) the meeting having determined the number to be

- elected to the parish council (Section 6) shall do so
- f) the cleric appointed by the Bishop, or the Bishop (during a vacancy) may appoint up to two additional members to the parish council now or at a later day (Section 6 a). (Optional)
  - g) two alternate synod representatives shall be endorsed or elected from members of the parish council
  - h) two parish nominators in addition to the Churchwardens, should the meeting so decide (if a nominating parish, see Section 3 b) and c))
  - i) two persons who will represent the parish at Deanery meetings.
- ix) The method of election.
- (a) All voting shall be by secret ballot.
  - (b) Ballot papers will be made available for the election process including all nominees and positions.
  - (c) Two Scrutineers shall be appointed by the Chairperson who shall ensure that all papers are later destroyed.
  - (d) Nothing in the above precludes nominations from the floor if the parish council so determines.
- x) a) Any other business which the meeting agrees to consider.
- b) All motions shall be decided by a show of hands, including a motion for a secret ballot.

## **11. An Extraordinary Meeting of Parishioners**

- a) An Extraordinary Meeting of Parishioners may be convened by the priest at his discretion, and shall be convened at the request of:

The Bishop, or

An Archdeacon, or

The churchwardens, or

A majority of the lay members of the parish council, or

Any twenty parishioners (as defined by the Interpretation Statute) if they present the request to the priest in the form of a signed petition

always provided that the Bishop or his deputy may disallow such requests if, in his opinion, the business proposed for discussion has already been fully covered by a previous recent Meeting of Parishioners whether Annual, Special, or Extraordinary. Due notice of such a meeting shall be given as for an Annual Meeting of Parishioners.

- b) The business of the meeting shall be set out in the request and in the published notices, and no other business shall be considered at the meeting.

## **12. Parish Council Standing Orders**

### **a) Chairperson of Meetings**

- i) The priest shall normally convene and chair all meetings of parishioners and the parish council.
- ii) Should the priest be unable to attend he may nominate a person to act in his absence. If unable to do so members of the parish council shall elect a churchwarden to act in his place.

- iii) Alternatively the priest of the District may in consultation with the churchwardens nominate a lay chairperson for all meetings or for a particular meeting, irrespective of the presence or absence of the priest in person.

If there is no priest the Bishop or some person nominated by him shall have all the rights and duties of convenor and chairperson of all meetings in both categories.

The chairperson at any meeting shall have a deliberative vote only, and any question on which voting is equal shall be decided in the negative.

The Chairperson of Annual or Special Meetings of Parishioners shall within thirty days of the meeting forward to the Diocesan Secretary the names of the officers appointed and elected together with the names of the officers appointed and elected together with the declarations duly made and signed by them.

Customary procedure shall govern the rules of debate.

Meetings of Parishioners may by resolution make recommendations to the priest, or to the churchwardens, or to the parish council, and may address petitions and enquiries to the Bishop, to the Council, and to the Trustees, but resolutions of Meetings of Parishioners cannot give executive instructions.

## **b) Quorum**

The first meeting of a newly elected parish council shall determine its own quorum, but shall never be less than one half of the total membership, and include one churchwarden.

### **c) Alterations and Additions to Buildings**

- (i) No structural alterations affecting the stability or general plan of the church or any other parochial building and no addition thereto nor any erection, renewal, alteration, addition to, or removal of, memorials, ornaments, furniture or fittings of the church shall be made without the consent of the parish council, the churchwardens, the priest, the Diocesan Trustees and the Bishop. When applying for the consent of the Bishop and Trustees, the priest and the churchwardens shall lodge with the Diocesan Secretary for filing at Church Office a copy of the plan and specifications of every building to be erected and of every alteration or addition to be made to existing structures, and/or a detailed description together with sketches or photographs, or any memorial, ornaments, furniture or fittings to be added to or removed. Accompanying every application there must be a statement of costs and how these will be met.
  
- (ii) Thirty clear days before application for permission is made an exact copy of the proposed application shall be affixed in clear view of parishioners at or near the normal main entrance to the parish church. Objections or amendments to the proposed application shall be lodged with the churchwardens at any time during the thirty days and all such shall be considered by the parish council before the application is lodged. Details of all objections shall accompany the application.

#### **d) Duties of an Auditor**

The auditor shall have right of access to all relevant records, and shall be supplied by the priest, churchwardens, councillors, committee members and the treasurers of all parish organisations with such information as shall be required to enable the audit to be done with reasonable care and diligence.

It is the duty of a parish auditor;

- i) to examine the accounts of a parish with a view to ascertaining that the books have been properly kept and that they record accurately all the receipts and payments of the parish Financial Year under review.
- ii) to verify the existence of all assets of the parish (other than those held by the Diocesan Trustees) and to see that they are in safe custody and under proper control.
- iii) to report to the Annual Meeting of Parishioners any expenditure or transaction of an irregular nature.
- iv) to certify, when satisfied, the accuracy of the financial statement to be presented to the Annual Meeting of Parishioners.

#### **e) Subcommittees**

Parish councils shall have power to appoint sub-committees to consider and report on matters referred to them.

### **13. Local Committees**

- a) Where there is more than one centre in the parish, the Parish Council is encouraged to establish Local Committees (Section 5b) to attend to the matters outlined in Section 13g) below. In

such cases it is recommended that the main centre also has a Local Committee, so that the Parish Council is not encumbered with local matters unless they impact upon the Parish as a whole. All local Committees shall consist of:

#### The Priest

Not less than three nor more than nine parishioners who attend at that centre, have met the requirements of a parishioner (Interpretation Statute) and were elected at the Annual Meeting of that Local Committee.

A churchwarden may be a member of his Local Committee. He may, at his discretion, attend meetings of any Local Committees and share in their deliberations, but shall have no vote.

Assistant clergy and assisting clergy may be co-opted to the Committee as non-voting members at the discretion of the priest.

- b) The priest, or some person appointed by that priest, shall be convenor and chairperson of the Committee.
- c) The Local Committee shall meet at least four times a year.
- d) A quorum shall be formed by half its members.
- e) A local Annual Meeting shall be held at least one week before the Annual Meeting of Parishioners and shall follow the agenda in Section 13h.
- f) Members of Local Committees shall make and sign the Declaration required of all church Officers. Their appointments and their declarations shall be notified to the Diocesan Secretary by the priest.

- g) The responsibilities of a Local Committee shall be:
- i) To maintain and set forward the work of the church in its area under the general direction of the parish council.
  - ii) To appoint a secretary, a treasurer, (and an auditor who shall not be a member of the Committee), and to present to the churchwardens annually (as soon as possible after the end of the Parochial Financial Year and at latest one week before the annual meeting of Parishioners) an audited statement of the receipts and payments for the year.
  - iii) To pay as a first charge upon all monies raised by the centre such parochial dues and insurance premiums as shall have been decided by the parish council.
  - iv) A Local Committee shall have power to appoint subcommittees to consider and report on matters referred to them.
- h) Agenda for the Local Annual Meeting
- i) Prayer
  - ii) The Definition of a Parishioner (Interpretation Statute) shall be read with only those who meet such requirements being able to speak or vote where appropriate.
  - iii) The minutes of the preceding Local Annual Meeting and of any Special or Extraordinary Meetings of the Local Committee shall be read and confirmed
  - iv) Reports as determined by the Local Committee shall be presented, but must include that of:

The Priest (or person licensed by the Bishop



to be in charge)  
The Local Committee Treasurer

The meeting shall determine how to deal with the reports.

- v) The elections shall take place of the following persons. Nominations can be taken from the floor.
  - a) Members of the Local Committee as per Section 13a) after determining the number required.
  - b) Two members from those elected shall be appointed as Local wardens and shall represent the Congregation on Parish Council.
  - c) An auditor

The method of voting shall be the same as is required for the Annual Meeting of Parishioners (Section 10d) ix).

- vi) Any other business that the meeting agrees to consider.
- vii) The meeting shall close with the saying of the Grace.

#### **14. Tenure of Office and Vacancies**

- a) Churchwardens, Parish Councillors, Auditors, and members of Local Committees shall continue in office until their successors have been appointed except as hereinafter provided.
- b) The Office of any Churchwarden, Parish Councillor, or member of a Local Committee shall become vacant by death, ceasing to hold the qualifications of a Parishioner, failure to attend three successive monthly or two successive quarterly meetings of the Parish Council or Local Committee concerned (unless granted leave of absence), deposition by competent

authority, or resignation in writing to the Priest.

- c) The Council may by resolution after due enquiry remove from office any Parochial Officer who is considered by the Council to be unfit for any reason to continue in office, provided that such a person shall first be afforded an opportunity of stating in the presence of the Council any objection to being removed in this way.
- d) If the Office of any Churchwarden or Parish Councillor appointed by the Priest shall become vacant the Priest shall forthwith appoint some duly qualified person to fill the vacancy. All other vacancies of parochial offices shall be filled by replacements appointed by the Parish Council. The Priest shall notify any such appointments to the Diocesan Secretary within one week.
- e) No person holding any post of emolument from the Parish shall be eligible for the offices of Churchwarden or Parish Councillor. This rule may be waived by the Bishop at the request of the Parish Council and for good reason. Any Churchwarden or Parish Councillor being under contract to perform any work for the Parish shall declare his interest and have no vote in related matters.

#### **15. During Vacancies within Parishes and Temporary Absences of Clergy**

- a) When there is no priest the expenses incurred in providing the ministrations of a temporary priest until an appointment is made to fill the vacancy shall be charges against the funds of the parish.
- b) During periods when the priest is absent from his parish for reasons other than sickness or injury and is not during his absence receiving from some other source remuneration and emoluments equivalent to his Parochial Stipend and Allowances, the expenses incurred in providing the

ministrations of other clergy as locum tenens shall be charged against the funds of the parish concerned additional to the continuing stipendiary payments due to the priest who is temporarily absent.

- c) When a priest is absent from his parish or otherwise prevented from exercising his ministry because of sickness or accident, Clause 18 of The Licensing Statute shall apply.
- d) The extent and cost of the services required from locum tenens are matters for the consideration of, and for decision by, the parish council which shall seek the advice of the Area Dean, Archdeacon or the Bishop of the Diocese
- e)
  - i) Removal and travelling expenses incurred by a priest of this Diocese in proceeding to a parish to which he has been newly appointed shall be arranged for and paid in full by the parish council of the parish to which he is going except when otherwise decided by the council.
  - ii) The Council may at its discretion subsidise the removal and travelling expenses of a newly appointed cleric coming from some other Diocese.

## **16. The Responsibilities of the Priest**

- a) A Roll of Members of the church in every parish shall be compiled and kept up to date by the priest. It shall be produced if required for inspection by the Bishop or the Archdeacon, and shall be left in the custody of the Archdeacon when the parish becomes vacant. It shall be the duty of the Archdeacon to forward the roll to the new priest on arrival.
- b) The church buildings, the sacred vessels, and all other equipment appertaining to the church, shall be at the disposal of the priest for the purposes of his ministry.

- c) The priest has the right to the possession of the keys of the church and of all other parochial buildings, but shall allow the churchwardens and other parochial officers to perform therein all acts appertaining to their offices.
- d) The priest has the direction of all arrangements appertaining to Public Worship unless otherwise specified in the statutes or Diocesan regulations; has the right of appointing the organist, but this is subject to the approval of the parish council in those cases in which the organist is paid; has the management and control of the choir but may choose to appoint a choirmaster to carry out these duties, and has the right of appointment and dismissal of choir members.
- e) The priest has the right of appointment, control, and dismissal of the superintendents and teachers of Sunday Schools.
- f)
  - i) The priest shall record in proper registers all Services, Baptisms, Admissions to Holy Communion, Receptions into the Anglican Communion, Confirmations, Marriages, and Burials within the parish.
  - ii) The priest and churchwardens shall be responsible for the safekeeping of all parochial records, past and current, and shall see that all such registers are kept in properly locked, fire-resisting containers.  
  
Completed registers, together with completed minute books, files of accounts, and service registers may be deposited with Diocesan Office, or other arrangements made to the satisfaction of the Council.
  - iii) The Bishop or his deputy shall inspect annually these arrangements made in each parish, and report any inadequacies to the council.
- g) A cleric who voluntarily participates in activities which might invalidate his claim under Diocesan Accident and Sickness

Insurance Policies shall make private arrangements to cover these activities.

## **17. Various Provisions**

- a) Any question in dispute as to the interpretation of this Statute and any question in dispute amongst the priest, the churchwardens, the parish council and the parishioners shall be referred to the council for decision.
- b) In all churches in the Diocese all sittings shall be free and unappropriated, reasonable provision being made for the clergy, choir, and churchwardens, but seats may be reserved for visiting civic dignitaries on particular occasions, those taking a special part in the liturgy of a particular service, and for any body of people desiring to attend Public Worship in a corporate capacity.
- c) Nothing in this Statute shall be interpreted so as to interfere with the rights and powers of the Bishop, who may at his discretion grant dispensations in special cases from the requirements of this Statute. Any such dispensation may be reported to the next session of Synod either by the Bishop or by a member of Synod of the parish concerned.
- d) Nothing herein contained shall be construed as repealing the Cathedral Statute 1992, or any part thereof, or any amendment thereto.
- e) Throughout this Statute where appropriate the masculine shall imply the feminine also, and vice versa.
- f) In the law of the Diocese, unless the context is such that it would be inappropriate or the contrary intention appears, a reference to a vestry shall be read and construed as a reference to a parish council as defined by this Statute; a reference to an ecclesiastical district or a parochial district shall be read and construed as a reference to a parish as defined by the Statute,

and a reference to a clergyman shall be read and constructed as a reference to a clergyperson as defined by the Interpretation Statute. In any reprint of any statute and where appropriate the word “Vestry” shall be replaced by the words “Parish Council” and the words “Ecclesiastical District” or “Parochial District” shall be replaced by the words “Parish”.

## **SCHEDULE 1**

### **FORM OF BEQUEST**

I give and bequeath to The Bunbury Diocesan Trustees whose receipts shall be valid and sufficient discharge of the same to be held in trust for or be applied for Ecclesiastical purposes in connection with the Anglican Church of Australia in the Diocese of Bunbury.

(If it is desired to make a specific bequest instead the particular Diocesan Fund, or the name of the parish, as the case may be, for which the bequest is intended. But if the Testator prefers to leave the appropriation of this bequest to the discretion of the Diocesan Trustees, instead of “to be held in trust for”, etc. he may substitute the words “to be applied at the discretion of the said Trustees”, or if the Testator prefers, he may substitute the words “to be applied at the discretion of and subject to the direction of the Diocesan Council”.)

## SCHEDULE 2

a) Those persons appointed or elected to fill the following positions shall make the following declarations:

- i) Parochial Nominators
- ii) Lay Canons and Cathedral Chapter
- iii) Churchwardens, Parish Councils and Local Committees.

b) Such declarations shall be made and filed in Church Office within one month of appointment or election.

c) Where the Bishop has approved the appointment or election of a Churchwarden or member of the Parish Council, who has not been confirmed, the clause in the declaration may be amended accordingly.

### DECLARATION

We, the undersigned members of the church in the Parish of.....  
having been appointed, or elected to the office of Churchwarden, Member of the Parish Council, Parochial Nominator, or Member of the Local Committee at ..... do solemnly declare that we will faithfully perform all the duties of the said office. AND we accept and solemnly promise to observe the Statute passed by the Synod of the Diocese.

**AND WE FURTHER DECLARE** that we are confirmed communicant members of the Anglican Church of Australia, having communicated at least three times in the year, of which Easter was one, and seen to be faithful and regular worshippers with this Community of Faith within the twelve months preceding this Declaration.

DATED this        day of    20

**SIGNATURE        WITNESS**

.....  
Churchwarden

.....  
Churchwarden

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....



**SCHEDULE 3**

I ..... a Parishioner  
(name of person nominating)

of this Parish and in good standing,

nominate.....  
(name of person nominated)

who is able to fulfil the requirements of Schedule 2 of this Statute,  
for the position of.....

- Churchwarden
- Parish Council Member
- Synod Representative
- Mission Secretary
- Parish Nominator
- Deanery Representative

Signature of Nominator.....

Signature of Second.....

I agree to being nominated for this office.

Signature of nominee.....

**20. A CANON TO RATIFY THE AMENDMENT AND  
CONSOLIDATION OF THE CONSTITUTION OF THE  
PROVINCE OF WESTERN AUSTRALIA 1985**

WHEREAS:

(a) On the twenty-fourth day of February 1984 the Synod of the Province of Western Australia approved a Canon to amend and consolidate the Constitution of the Province of Western Australia entitled “Constitution of the Province of Western Australia 1914-1984”, a copy whereof is set out in the Schedule hereto

(b) The Synod of each Diocese of the Province has by Ordinance assented to that Canon of the Synod of the Province and consented to the amendment and consolidation of the Constitution of the Province in accordance therewith

(c) On the twenty-first day of February 1985 the Synod of the Province of Western Australia in accordance with constitutional requirements resolved that the Canon be adopted

NOW THEREFORE the General Synod prescribes as follows:

1 The amendment and consolidation of the Constitution of Western Australia pursuant to the Canon of the Synod of the Province of Western Australia set out in the Schedule to this Canon is hereby ratified under section 41 of the Constitution.

2 This Canon may be cited as the “Province of Western Australia (Constitution Amendment and Consolidation) Canon 1985”

**THE SCHEDULE  
A CANON  
TO AMEND AND CONSOLIDATE THE  
CONSTITUTION OF THE PROVINCE OF  
WESTERN AUSTRALIA**

**Short Title**

- 1 This Canon may be cited as the Constitution of the Province 1914-1984.

**Commencement Date**

- 2 This Canon shall come into operation on the date on which it is ratified by Canon of General Synod under the provisions of the Constitution of Anglican Church of Australia and the Constitution of the Province of Western Australia 1914-1975.

**Definitions**

- 3 In this Canon unless the contrary intention appears:-  
“**the Church**” means the Anglican Church of Australia  
“**Communicant**” means member of the Church who shall have received the Holy Communion not less than three times within the preceding year and who is aged 18 years or older  
“**the council**” means the Provincial Council of the Province  
“**diocese**” means a diocese within the Province  
“**dioceses**” means the dioceses forming the Province  
“**Former Constitution**” means the Constitution of the Province of Western Australia 1914-1975  
“**the Metropolitan**” means the person duly appointed Metropolitan under the provisions of this Constitution and his successors in office and, except when otherwise provided, or when the context otherwise indicates, the senior Bishop in the event of the death of the Metropolitan, or of his resignation, absence, incapacity, suspension pending trial, or of his then being under judicial sentence or if by reason of any other cause the Metropolitan See be vacant  
“**President**” means the Metropolitan acting as President of the Council  
“**the Province**” means the Province of Western Australia  
“**the Senior Bishop**” means the Senior Diocesan Bishop of the Province by order of consecration, resident in Western Australia, and in the case of his unwillingness to act or of his

absence, incapacity suspension pending trial, or of his then being under judicial sentence the Diocesan Bishop next in seniority to him in the Province by order of consecration, resident in Western Australia.

In so far as the context may require words of the masculine gender in this Canon shall be construed as including the feminine gender and words of the feminine gender shall be construed as including the masculine gender

### **Repeal**

- 4 The provisions of the Former Constitution to the extent they are inconsistent with the provisions of this Canon are repealed.

### **The Province**

- 5 The Province shall consist of the dioceses which have their sees within the State of Western Australia.

### **The Metropolitan**

- 6 The bishop of the Diocese of Perth shall be Metropolitan of the Province.
- 7 During any vacancy in the office or incapacity of the Metropolitan or during his absence from the Province for a period exceeding thirty days the authorities, powers, rights and duties of the Metropolitan under this constitution shall be exercised by the senior diocesan bishop of the Province at the time in the Province able and willing to act, seniority being determined by the date of consecration.

### **The Council**

- 8 There shall be a Provincial Council of the Province of which shall –
- (a) Be called the Provincial Council of the Province of Western Australia, and
  - (b) Replace the Provincial Synod in the Province
- 9 (1) The council shall consist of
- (a) (i) the Metropolitan
  - (ii) the other diocesan bishops of the

- Province
      - (iii) the secretaries of each of the dioceses
      - (iv) the lay trustees of the Province who shall hold office ex officio, and
    - (b) Two clerical and two lay representatives of each Diocese.
  - (2) Clerical representatives shall be in Priest's Orders and licensed therein.
  - (3) Lay representatives shall be Communicants.
  - (4) (a) Clerical and lay representatives of a diocese shall be elected or appointed for such periods, at such times and in such manner, and
    - (b) any vacancy however caused in the seat of a representative shall be filled in such manner as may from time to time be prescribed by or under the constitution of the dioceses.
- 10 Upon the election or appointment of a representative of a diocese the Secretary of the diocese shall forward to the Secretary of Council –
- (a) Full particulars of the name and address of the representative and
  - (b) Full particulars of any change in such name and address upon having notice thereof.
- 11 (1) The Council shall subject to the Canons of the General Synod of the Anglican Church of Australia have the power to –
- (a) legislate by Canon upon and in respect of the following matters concerning the order and good government of the Church in the Province -
    - (i) the constitution of an appellate tribunal.
    - (ii) the taking of measures for promoting intercommunion with

other branches of the Holy Catholic Church in the Province, so far as is consistent with the principles doctrine law and order of the Church.

- (iii) the regulation of the relations of the Church with other Christian organisations so far as is consistent with the principles doctrine law and order of the Church.
- (iv) the promotion of Mission at home and overseas.
- (v) the promotion of religious and secular education.
- (vi) the education and training of candidates for Holy Orders.
- (vii) the holding and administration of real and personal property.
- (viii) the assessment of the Dioceses by the Standing Committee for all costs charges and expenses from time to time of and incidental to the carrying into effect of the Constitution and Canons of the Council the Registry of the Province of each Session of the Council and the meetings of the Standing Committee and for the payment of each Diocese of the proportion thereof as shall from time to time be determined by the Standing Committee.
- (ix) any other matter referred to the Council by the diocesan synods.

- (b) make rules prescribing anything necessary or convenient for carrying out and giving effect to any Canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing –
  - (i) the procedure for any election or appointment to be made by or under the authority of the Council to any office.
  - (ii) the authorities powers rights and duties of any Officer committee board or commission of the Council.

A rule shall be made by resolution after notice has been duly given in accordance with the standing orders.

- (c) regulate the conduct of its business under standing orders or otherwise as it may deem proper.
- (d) deliberate upon and make statements upon all matters affecting the interests of the Church in the Province.
- (e) make such enquiries as it deems requisite.
- (f) communicate with and make such petitions and representations as it deems fit to the Government and other bodies and persons or any of them.
- (g) take such action with reference to State and public affairs as it considers desirable.
- (h) confer with and co-operate with other Christian bodies on such subjects and at such times as it deems fit.

- (i) from time to time appoint representatives of the Province to ecumenical bodies.
  - (j) exercise such powers and perform such functions as may from time to time be committed to it by ordinance by each diocese.
  - (k) provide from the funds available to it for costs charges and expenses of or in connection with the holding of meetings, the performance of its functions and the exercise of its powers and when it deems fit to levy each diocese on an equitable basis agreed upon from time to time by ordinance by each diocese for the costs charges and expenses aforesaid not otherwise provided for.
  - (l) exercise such powers and perform such functions as are powers or functions of or are conferred on a provincial synod or a provincial council by or under the Constitution of the Anglican Church of Australia or by General Synod.
  - (m) from time to time revoke or amend any resolution determination decision rule or canon made by the Council or the former Synod of the Province.
- (2) Subject to Section 11(1) (1) nothing in Sub-section (1) shall operate to restrict or limit the authority functions or powers of a diocesan synod unless in a particular case that diocesan synod otherwise expressly provides.

### **Committees**

12 The Council –

- (a) shall appoint from among its own members a Standing Committee of the Council, and



- (b) may appoint and revoke the appointment of other committees comprising such persons as the Council determines  
and subject to the Constitution of the Anglican Church of Australia may delegate to any such committee such of the powers and functions of the Council as it thinks fit.

### **Meetings of the Council**

13. The Metropolitan shall convene the Council at least once in every two years and shall also convene the Council whenever requested in writing to do so by any diocesan bishop or by a majority of the representatives for the time being of any diocese.
14. The Council shall meet in Perth or such other place as the Metropolitan at any particular time shall determine. Except with the concurrence of the Metropolitan and of the diocesan bishops the Council shall be convened by notice in writing posted in the case of ex officio members to the member's official address and in the case of elected members to the address of the member most recently notified to the Secretary pursuant to Clause 10 hereof; the notice shall specify the date hour and place appointed for the meeting. No meeting or resolution or other action of the Council shall be vitiated by reason only that any person to be elected appointed or summoned has not been elected appointed or summoned or by reason only of any informality with respect to the electing appointment or summoning.
15. Minutes shall be kept of the proceedings at all meetings of the Council and such minutes and all other records (if any) concerning the Province shall be kept at such place as the Metropolitan may from time to time direct.
16. At every meeting of the Council the President shall if willing preside but he shall have the right to appoint another diocesan bishop of the Province to preside for

- any period during which he does not wish to do so.
17. No business shall be transacted at any meeting of the Council unless eleven members of the Council including one clerical and one lay representative of each diocese and one diocesan bishop of the Province be present.
  18. (1) The business to be transacted at a meeting of the Council shall be discussed and voted upon by the members present sitting and voting together.  
(2) No question before the Council shall be deemed to be resolved –
    - (a) Unless it be resolved in the affirmative by a vote of the majority of the members present; or
    - (b) Where the Council resolves that a question be resolved by a vote by Orders unless it be resolved in the affirmative by –
      - (i) a vote of the majority of the diocesan bishops present;
      - (ii) a vote of the majority of the clerical representatives present; and
      - (iii) a vote of the majority of the lay representatives present.
  19. The President with the concurrence of the Council may permit observers to be present at any meeting of the Council.

### **Officers**

20. (1) The Secretary of the Diocese of Perth shall be the Secretary of the Council  
(2) The Council may –
  - (a) from time to time appoint and revoke the appointment of such other officers as it determines;

- (b) prescribe the duties of the Secretary of the Council and such other officers;
- (c) authorise the opening, the closing and conduct of bank accounts; and
- (d) generally regulate its affairs and the affairs of any committee appointed by it in such manner and in all respects as it shall think fit.

### **Diocesan Bishops**

21 During any vacancy in the office or incapacity of the diocesan bishop of any diocese or during the absence from his diocese of a diocesan bishop of the Province for a period exceeding thirty days the authorities powers rights and duties (including membership of the Council) conferred or imposed on him by his Constitution other than the authorities powers rights and duties appertaining to the office of Metropolitan shall be exercised by the person appointed by or under the Constitution of his diocese to administer the affairs thereof but nothing in this Section confers on a person who is not a bishop a right under Section 18 to vote as a bishop.

### **Canons**

- 22. All Canons shall be numbered in regular arithmetical series each year beginning with the number one in the order in which they were passed and shall be distinguished by a short title and be described as of the year in which they were passed.
- 23. All Canons shall be forthwith promulgated by the President of the council by notice in writing under his hand and seal, addressed to the Provincial Bishops, and shall, when so promulgated, be binding thereafter upon all the Dioceses in the Province unless objected to by a motion carried in the next Session of the synod of any diocese of the Province when it shall cease to be binding on that Diocese.

## See of Perth

24. (a) Whenever the See of Perth shall become vacant the Committee appointed by the Synod of the Metropolitan Diocese for that purpose (hereinafter called “the Committee”) shall meet to consider the choice of a new Metropolitan. All meetings of the Committee shall be held in the See City of the Metropolitan Diocese and the first of such meetings shall be convened by the Administrator of the said Diocese who shall preside thereat and at all other meetings of the Committee. If the Administrator shall be a candidate for election then while his candidature is under discussion the Committee shall elect a chairman from amongst its members who shall have a deliberative but not a casting vote.
- (b) Before the first meeting of the Committee is held each of the diocesan bishops of the Province shall be invited by the Administrator of the Metropolitan Diocese to submit in writing names of persons he thinks should be considered for the appointment.
- (c) The nomination of candidates for election may be made by any members of the Committee after consideration of the names submitted by the diocesan bishops.
- (d) No person shall be elected as Metropolitan until he has received a majority of the votes of the clerical members and a majority of the votes of the lay members of the Committee.
- (e) In the event of a failure to elect within a period of nine calendar months from the date of the vacancy of the See the election shall vest in the Metropolitans of the Church as convened by the Primate of the Church.

- (f) When a person has been elected as Metropolitan the Administrator of the Metropolitan Diocese shall transmit the name of such person together with a certificate of his election to the Senior Bishop for communication within seven days to the other diocesan bishops of the Province.
- (g) The diocesan bishops or a majority of them shall within fifteen days satisfy themselves as to the canonical fitness of the person so elected.
- (h) If the diocesan bishops or a majority of them shall be so satisfied the Senior Bishop shall within a further fourteen days submit the name of such person together with the certificate of his election to the Primate of the Church for confirmation as required.
- (i) If the diocesan bishops or a majority shall not be so satisfied the Senior Bishop shall within the said fourteen days give notification accordingly to the said Administrator the said election shall be null and void and proceedings shall be taken under this Constitution as if the vacancy in the See had occurred at the time of such notification.
- (j) When an election has been confirmed as required the person so elected (subject to his consecration if necessary) shall be the Metropolitan and Bishop of the Metropolitan See and shall be entitled to exercise the functions of such Metropolitan as from the date of his enthronement in the Cathedral Church of the Metropolitan See.

### **Dioceses**

25. Whenever the formation of a new diocese by the division of a diocese into two or more dioceses has been ratified by the Council, each of the dioceses affected thereby shall be subject to the Constitution and Canons of the

Province and also to the Statutes of the diocese so divided except as local circumstances may prevent, unless and until the said Statutes shall be amended, altered or repealed by the diocesan synod of the new diocese.

26. Whenever the formation of a new diocese out of two or more existing dioceses has been ratified by the Council, the new diocese shall be subject to the Constitution and Canons of such of the said existing dioceses as shall be specified in the order of ratification until the same shall be altered by the synod of the new diocese.

### **Diocesan Synods**

27. Whenever in this Constitution, the words “diocesan synod” occur, in a diocese where no diocesan synod is yet formed, the bishop shall have all the power and rights thereof.

### **Alterations**

28. Subject to the Constitution of the Anglican Church of Australia
- (a) The Province may be altered by an increase or a decrease in the number of dioceses, and
  - (b) this constitution may be altered in any respect whatsoever by a Canon for that purpose which firstly shall be approved by Council then by resolution thereof communication by the President to each of diocesan synods in the Province through their bishop then at their next ordinary or special meeting assented to by at least two-thirds of the dioceses and finally adopted at the next succeeding meeting of the Council by a vote by Orders in the affirmative.

### **Consolidation**

29. When this Constitution or any Canon of the Council is amended it shall be printed as amended and the sections of the amended Constitution or Canon renumbered

consequential to any repealed or additional section or sections.

**Transitional**

30. All persons things and circumstances appointed or created and all ordinances made by or under the Former Constitution as existing immediately before the coming into force of this Canon shall under and subject to this Canon continue to have the same status operation and effect as it would have had if the Former Constitution had remained in full force and effect and as if the Council and the Standing Committee of the Council were respectively one and the same with the Provincial Synod and the Standing Committee of Provincial Synod constituted by and under the Former Constitution.

**THE CONSTITUTION OF THE PROVINCE OF  
WESTERN AUSTRALIA 1914-1986 ASSENT  
STATUTE 1986**

WHEREAS at the Ordinary Session of the Provincial Council of the Province of Western Australia held 12 August 1986 a Canon to amend the Constitution of the Province of Western Australia 1914-1984 (hereinafter referred to as “the Constitution”) was approved and has by resolution of that Provincial Council been communicated by its Present to the Synod of this Diocese through the Bishop.

Pursuant to Section 28 of the Constitution the assent of at least two-thirds of the Dioceses of the Province of Western Australia is necessary before the Canon can be finally adopted by the Provincial Council.

BE IT THEREFORE ENACTED by the Bishop Clergy and Laity of the Diocese of Bunbury in Synod assembled

1. This Synod hereby assents to the Canon of the Provincial Council set out in the schedule hereto
2. This Statute be cited as the “Constitution of the Province of Western Australia 1914-1986 Assent Statute 1986”

**SCHEDULE  
A BILL FOR A CANON TO AMEND THE  
CONSTITUTION OF THE PROVINCE OF WESTERN  
AUSTRALIA**

Canon No. 2 of 1986

WHEREAS it is deemed desirable that the quorum for a meeting of Provincial Council of the Province of Western Australia be retained at eleven persons including one diocesan bishop and one clerical and one lay representative of each diocese of the Province.



AND WHEREAS it is deemed expedient that the clerical and lay representatives forming the quorum be either ex officio or elected members of Provincial Council of the diocese concerned.

BE IT THEREFORE RESOLVED by the Bishops Clergy and Laity of the Province of Western Australia in Provincial Council Assembled

1. In this Canon the Constitution of the Province of Western Australia 1914-1984 is cited as “the Principal Canon”.
2. Section 17 of the Principal Canon is repealed and re-enacted as follows:  
“17. No business shall be transacted at a meeting of the Council unless eleven members of the Council including one clerical and one lay representative of each diocese being either an ex officio or elected member of the Council, and one diocesan bishop of the Province be present”
3. The Principal Canon as amended by this Canon may be cited as the “Constitution of the Province of Western Australia 1914-1986”.
4. This Canon may be cited as the “Constitution of the Province of Western Australia 1914-1984 Amendment Canon 1986” – Canon No 2 of 1986.

## **21. PROFESSIONAL STANDARDS STATUTE 2004**

A Statute relating to professional standards within the Church, and for other purposes

*The Bishop-in-Council, Clergy and Laity of the Diocese of Bunbury assembled in Synod prescribe as follows:*

### **Part 1 - Preliminary**

1. This Statute may be cited as the “Professional Standards Statute 2004”.
2. (1) In this Statute, unless the context otherwise requires:
  - “**Board**” means the Professional Standards Board established under Part 7;
  - “**Church**” means the Anglican Church of Australia;
  - “**Church authority**” means the Bishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a Church worker;
  - “**Church body**” includes a parish, school, any body corporate, organisation or association that exercises ministry within, or on behalf of, the Church;
  - “**Church worker**” means a person who is or who at any relevant time was:
    - a member of the clergy; or
    - a person employed by a Church body; or
    - a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;but excludes a bishop subject to the jurisdiction of the Special Tribunal of the Church;
  - “**Code of Conduct**” means a code of conduct approved from time to time under Part 2;

**“Director”** means the Director of Professional Standards appointed under Part 5;

**“equivalent body”** means a body of another diocese exercising powers, duties or functions equivalent to those of the PSC or the Board as the case may be, or where there is no such body, the bishop of the diocese;

**“examinable conduct”** means conduct wherever or whenever occurring the subject of information which, if established, might call into question:

- (a) the fitness of a Church worker, whether temporarily or permanently, now or in the future to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
- (b) whether, in the exercise of a Church worker’s ministry or employment, or in the performance of any function, the Church worker should be subject to certain conditions or restrictions;

**“information”** means information of whatever nature and from whatever source relating to:

- (a) alleged conduct of a Church worker wherever or whenever occurring involving sexual harassment or assault, or sexually inappropriate behaviour;
- (b) alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving sexual harassment or assault, or sexually inappropriate behaviour; or
- (c) an alleged process failure;

**“member of the Clergy”** means a person in Holy Orders;

**“national register”** means any national register established pursuant to a Canon of General Synod or a resolution of the Standing Committee of General Synod

for the purpose of recording determinations of the Board and other equivalent bodies;

**“process failure”** means the failure by a Church body or Church authority prior to this Statute coming into effect to deal appropriately with or to investigate matters referred to in paragraphs (a) or (b) of the definition of information;

**“Professional Standards Committee”** or **“PSC”** means the Professional Standards Committee established under Part 4;

**“prohibition order”** means an order prohibiting a Church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body;

**“protocol”** means the protocol approved from time to time by Bishop-in-Council under Part 3;

**“referring body”** means the PSC or an equivalent body which refers a question or questions under section 54 to the Board;

**“respondent”** means a Church worker whose alleged conduct or omission is the subject of information.

(2) For the purposes of this Statute -

(a) a person employed by a Church body; or

(b) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;

will be taken to be engaged by a Church authority.

3. Bishop-in-Council may enter into such agreements or arrangements as it sees fit with the relevant authority of another diocese as to the terms on which the powers and functions of the equivalent bodies or persons of that diocese are to be exercised by the persons holding office in or as delegates of the PSC, or by the members or the

secretary of the Board.

## **Part 2 – Code of Conduct**

4. The Synod or Bishop-in-Council shall from time to time by resolution approve a Code of Conduct for observance by Church workers in the diocese.
5. Bishop-in-Council through the PSC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of any code of conduct applicable in the diocese.

## **Part 3 – The Protocol**

6. (1) Bishop-in-Council shall from time to time consider and approve a protocol for implementation in relation to information.
  - (2) The protocol must include:
    - (a) procedures for receiving information;
    - (b) the appointment, role and function of contact persons;
    - (c) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;
    - (d) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;
    - (e) an explanation of the processes for investigating and dealing with information;
    - (f) provisions for dealing fairly with respondents;
    - (g) processes for referral to mediation and conciliation in appropriate circumstances;
    - (h) processes for dealing with alleged process failure;
    - (i) provisions for regular information, reports,

advice and recommendations to the Bishop and any other relevant Church authority at each stage of the process of dealing with information;

(j) procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

7. Bishop-in-Council through the PSC and by such other means as it may consider appropriate shall take such steps as may be necessary or desirable to promote throughout the community a knowledge and understanding of the protocol.

#### **Part 4 – Professional Standards Committee**

8. There shall be a Professional Standards Committee for the diocese.
9. The members of the PSC shall be appointed and shall hold office on such terms and conditions as may be determined by Bishop-in-Council from time to time or in accordance with any Regulations of Bishop-in-Council.
10. (1) The PSC shall have at least three members one of whom is the Director.
  - (2) The membership of the PSC shall be constituted so as collectively to provide:
    - (a) experience in law;
    - (b) experience in the ordained Ministry; and
    - (c) experience and appropriate professional qualifications in child protection, social work or counselling.
  - (3) The PSC shall include at least one person who is not a member of this Church and so far as it is reasonably practicable shall have an equal number of men and women.
11. (1) The Director shall be the convenor of the PSC.
  - (2) The PSC may meet from time to time as

- determined by the Director or a majority of its members and may conduct its business by telephone or electronic communication.
- (3) The procedures of the PSC shall be as determined by the PSC.
  - (4) A majority of the members shall constitute a quorum.
  - (5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.
  - (6) The PSC shall act in all things as expeditiously as possible.
12. An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
  13. The Synod indemnifies any member or delegate of the PSC for any act or omission by the member or delegate or by the PSC in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute.
  14. The members of the PSC may constitute an equivalent body, either generally or for a particular case or matter.
  15. Subject to the provisions of this Statute, a member of the PSC, a Church authority or a person employed or engaged on work related to the affairs of the PSC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
    - (a) in the course of carrying out the duties of that office or position;
    - (b) as may be authorised by or under this Statute;
    - (c) in any proceedings before a diocesan tribunal, a

- provincial tribunal or the special tribunal;
  - (d) as may be required by law; or
  - (e) to any insurer or insurance broker of a Church body or Church authority where the information may give rise to or be relevant to a claim for indemnity by the Church body or Church authority against the insurer or is relevant to obtaining or continuing insurance cover.
- 16. The PSC must disclose to an equivalent body relevant details of information in its possession concerning the alleged conduct of a Church worker:
  - (a) which is information that is relevant to, or arising during the course of, an investigation being undertaken by the PSC where the PSC knows that the Church worker is residing in the diocese of the equivalent body; or
  - (b) which is information concerning conduct alleged to have occurred in the diocese of the equivalent body;and shall co-operate with any equivalent body.
- 17. (1) Subject to subsection (2), the PSC may release to the public such material as it may determine with respect to any information.
  - (2) In relation to a matter that is the subject of a reference to the Board the PSC shall make public such information concerning the matter as the Board may direct or approve.
- 18. (1) Without disclosing the identity of any informant, complainant or the respondent, the PSC shall report annually to Bishop-in-Council on its activities for that calendar year.
  - (2) Notwithstanding subsection (1), the report of the PSC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of information or who has



- been the subject of a determination or recommendation by the Board.
- (3) The PSC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Bishop with such frequency and as fully as the Bishop shall reasonably require.
19. (1) Subject to sub-section (2), the PSC may delegate, upon such terms and conditions as the PSC may approve, any of its powers or functions under this Statute to any person.
    - (2) The PSC cannot delegate:
      - its powers under subsection (1);
      - its powers under section 30; or
      - the power to refer a matter to the Board.
    - (3) A delegation under this Section must be made by instrument in writing signed by a member of the PSC.
  20. (1) Subject to the provisions of this Statute the PSC has the following powers and duties:
    - (a) to implement the protocol to the extent that the protocol is not inconsistent with this Statute;
    - (b) to receive information;
    - (c) to act on information in accordance with the provisions of this Statute, and the protocol to the extent that it is not inconsistent with this Statute;
    - (d) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
    - (e) where appropriate, to arrange for the conciliation or mediation of any complaint the subject of information;
    - (f) to investigate information in a timely and appropriate manner;
    - (g) where appropriate, to recommend to Bishop-in-Council any changes to the protocol;

- (h) subject to any limit imposed by Bishop-in-Council to authorise such expenditure on behalf of the Synod or the Church body as may be necessary to implement, in a particular case, the protocol and the provisions of this Statute;
- (i) to advise any relevant Church authority or Church body as to the financial or other needs of a person affected by conduct the subject of information and as to any possible or actual legal proceedings against such Church body or Church authority arising out of the alleged conduct of a Church worker;
- (j) to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;
- (k) to maintain proper records of all information received and of action taken in relation to such information;
- (l) to exercise such other powers and functions as are conferred on it by this or any other Statute.
- (2) The power and duty of the PSC to exercise its functions under this Statute arises in respect of:
  - (a) conduct wherever it is alleged to have been engaged in by a Church worker resident or licensed in the diocese, or engaged by a Church authority;
  - (b) an omission, whenever it is alleged to have occurred, by a Church worker resident or licensed in the diocese, or engaged by a Church authority;
  - (c) conduct which is alleged to have occurred within the diocese wherever the Church worker involved in the alleged conduct may reside;

- (d) conduct, wherever it is alleged to have been engaged in, or an omission, wherever it is alleged to have occurred, by a Church worker, wherever the Church worker may reside -
  - (i) in respect of or affecting a person resident in the diocese; or
  - (ii) that may affect a Church body or Church authority in the diocese, or Church property or property held in trust for the benefit of or in connection with the Church or a Church body in the diocese.

### **Part 5 – Director of Professional Standards**

- 21. (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by and shall hold office in accordance with a resolution or any Regulation of Bishop-in-Council.
- 22. The Director shall have the following functions:
  - (a) to manage the implementation of the protocol in respect of any information;
  - (b) to be the executive officer of the PSC;
  - (c) to convene but not to chair meetings of the PSC;
  - (d) such other functions and duties as may be determined by Bishop-in-Council or the PSC.
- 23. The Director may act in a corresponding capacity for another diocese either generally or for a particular case or matter.

### **Part 6 – Examinable Conduct**

- 24. (1) A member of the Clergy and a Church authority in the diocese shall as soon as possible refer any information in his her or its possession or knowledge to a member of the PSC unless there are reasonable grounds to believe that the information is already known to the PSC.
- (2) This section does not affect the operation of the Canon Concerning Confessions 1989 of General

Synod or any other Statute or legislative instrument relating to confessions in force in the diocese.

25. Subject to this Statute, where the PSC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.
26. (1) The PSC may, if it thinks it appropriate to do so, refer the subject matter of information, or the investigation of information, to an equivalent body or bodies.
  - (2) When the PSC and an equivalent body or equivalent bodies have the power and duty to investigate information concerning the alleged conduct or omission of the same Church worker and the respective bodies cannot agree on:
    - (a) which body shall carry out the investigation or any parts of such investigation; or
    - (b) whether a question or questions specified in section 54 should be referred to the Board or to an equivalent body which has jurisdiction;then the PSC shall refer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other dioceses acting together.
  - (3) The PSC shall act in accordance with the unanimous decision of the persons referred to in subsection (2) or, if such persons cannot agree within a reasonable time of the disagreement being referred, in accordance with the decision of the Primate or a member of the House of Bishops appointed by the Primate.
  - (4) In all matters affecting the operation of this Statute the PSC and the Director shall cooperate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

- (5) In making a decision under subsection (2) the Director shall not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.
27. The PSC may refrain from further investigation of the information if:
- (a) in its opinion, the allegations the subject of the information are false, vexatious or misconceived, or their subject matter is trivial;
  - (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
  - (c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed to provide further particulars or to verify the allegations by statutory declaration; or
  - (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.
28. For the purpose of an investigation the PSC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the PSC or its delegate considers necessary or advisable for presentation to the Board.
29. (1) The PSC may by notice in writing to a respondent require the respondent to provide a detailed report to the PSC within the time specified in the notice in relation to any matter relevant to the investigation.
- (2) It is the obligation of a respondent:
- (a) truthfully to answer any question put by

or on behalf of the PSC in the exercise of powers conferred by this Statute;

- (b) not to mislead the PSC or a member or delegate of the PSC;
  - (c) not unreasonably to delay or obstruct the PSC or a member or delegate of the PSC in the exercise of powers conferred by this Statute.
- (3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
30. At any time after the PSC has commenced or caused to be commenced an investigation of information under this Part, it may, after giving the respondent an opportunity to be heard, recommend to the relevant Church authority one or more of the following:
- (a) that the respondent should be suspended from the duties or office or employment by a Church body;
  - (b) that a prohibition order be made against the respondent.
31. The relevant Church authority is authorised to give effect to a recommendation made under section 30.
32. Before making a recommendation under section 30 the PSC shall take into account:
- (a) the seriousness of the conduct alleged in the information;
  - (b) the nature of the material to support or negate the allegations;
  - (c) whether any person is at risk of harm;
  - (d) after consultation with the relevant Church body or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section

- 30; and
- (e) any other allegation of similar examinable conduct previously made to the PSC or to an equivalent body within the previous ten years; and may take into account any other relevant matter.
33. A suspension or prohibition order made by a Church authority pursuant to a recommendation under section 30 shall be terminated by the Church authority:
- (a) if the PSC terminates the investigation without referring the matter to the Board;
  - (b) upon any direction to that effect given by the Board; or
  - (c) upon the Church authority giving effect to a recommendation of the Board under section 69.
34. During a suspension or prohibition pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while conduct the subject of information is dealt with under this Statute:
- (a) the respondent shall comply with the terms of any prohibition order;
  - (b) the respondent is ineligible for appointment to any position or function covered by any suspension or prohibition order;
  - (c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the respondent is standing down; and
  - (d) subject to any terms agreed between the respondent and the relevant Church authority, the respondent is entitled to whatever stipend, salary and other benefits that he or she would otherwise have received and which are to be met by the relevant Church authority.

## **Part 7 – Professional Standards Board**

35. There shall be a Professional Standards Board constituted and appointed in accordance with the provisions of this Part.
36. The members of the panel referred to in section 39 may constitute an equivalent body either generally or for a particular case or matter.
37. Subject to the provisions of this Statute the function of the Board is to inquire into and determine a question or questions referred to it pursuant to section 54 and questions within its jurisdiction referred to it by an equivalent body to the PSC and to make a determination referred to in section 69 and where appropriate to make a recommendation in accordance with the provisions of this Statute.
38. The Board has jurisdiction to exercise its functions in respect of a Church worker:
  - (a) resident or licensed in the diocese, or engaged by a Church authority; and
  - (b) not resident or licensed in the diocese nor engaged by a Church authority but whose conduct giving rise to the reference is alleged to have occurred in the diocese or whose omission giving rise to the reference is alleged to have occurred when the Church worker was resident or licensed in the diocese or was engaged by a Church authority.
39. The members of the Board in a particular case shall be appointed from a panel comprising:
  - (a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;
  - (b) five members of the clergy of at least seven years' standing; and



- (c) five lay persons who are members of the Church.
40. The members of the panel shall be appointed by Bishop-in-Council and shall hold office in accordance with a resolution or Regulation of Bishop-in-Council.
  41. Any vacancy in the membership of the panel shall be filled by or in accordance with a resolution or Regulation of Bishop-in-Council.
  42. (1) The members of the panel to be convened for any reference to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.
    - (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two of clerical and lay members of the panel.
    - (3) Where possible, the Board shall include at least one man and at least one woman.
    - (4) Where, in the opinion of the President, or if there is a vacancy in the office of the President, in the opinion of the Deputy President a member of the panel has a personal interest in a matter before the Board the member shall be disqualified from participating in the reference.
    - (5) For the purposes of this section a vacancy in the office of President includes a situation in which the President is not able to act because of a personal interest in a matter, illness or absence from the diocese.
  43. The Rules of the Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.
  44. If a member of the Board, other than the presiding

member, dies or is for any other reason unable to continue with any matter referred to the Board, the Board constituted of the presiding member and the other member or members may, if the presiding member so determines, continue and complete the reference.

45. The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.
46. An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
47. The Synod indemnifies each of the members of the Board for any act or omission by the member in good faith and in the exercise of or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute.
48. (1) There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution or Regulation of Bishop-in-Council, and whose duties shall be defined by the President.  
(2) The secretary to the Board may act in a corresponding capacity for another diocese either generally or for a particular case or matter.
49. (1) In any proceedings of the Board where the Board is constituted by two or more members:
  - (a) any question of law or procedure will be determined by the presiding member; and
  - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the

presiding member shall prevail.

- (2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board.
  - (3) The Board must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
  - (4) Without limiting the meaning and effect of subsection (3), the Board may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions.
  - (5) The Board may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.
50. The Board may, for the purpose of any particular reference, appoint such person or persons, including the Director, to assist it in inquiring into (but not determining) that reference as the Board thinks fit.
51. The Board must give reasons for any determination, other than by way of directions in the course of an inquiry, unless the determination is made by consent of the respondent.
52. (1) The Board has no power to award costs of any proceedings before it.
- (2) A Church worker in relation to whom a question

- is the subject of a reference to the Board may apply to Bishop-in-Council for the provision of legal assistance.
- (3) Bishop-in-Council may grant legal assistance to a Church worker on such terms and subject to such conditions as it shall determine.
53. (1) The President may make Rules of the Board reasonably required by or pursuant to this Statute and in relation to the practice and procedure of the Board.
- (2) Subject to this Statute and the relevant Rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

## **Part 8 – Reference of Matters to the Professional Standards Board**

54. (1) After investigation in accordance with section 25 or under a corresponding provision of a Statute of another diocese the PSC or an equivalent body may refer to the Board, or to an equivalent body which has jurisdiction, one or more of the following questions:
- (a) the fitness of a Church worker, whether temporarily or permanently to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body;
  - (b) whether in the exercise of a Church worker's ministry or employment, or in the performance of any function the Church worker should be subject to certain conditions or restrictions.
- (2) The question or questions shall be referred to the Board by delivering to the secretary of the Board a written report of its investigation signed by a member of the referring body.
55. (1) Upon delivery of the report to the secretary of the Board, the President or Deputy President as the case may

be shall as soon as possible determine the membership of the Board for the purpose of the reference.

- (2) The President or Deputy President as the case may require shall thereupon cause to be convened a sitting for the purpose of giving directions.
  - (3) A person or body appearing or represented before the Board shall comply with the Rules of the Board and with any directions given by the Board.
56. Within 14 days of the date of the reference of a matter to the Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the referring body shall cause to be delivered to the secretary of the Board any documents and material relevant to the reference.
57. The referring body, as soon as practicable after delivering the report referred to in section 54 to the secretary of the Board, shall cause a signed copy of the report to be delivered to the respondent.
58. The Board may at any time and from time to time give directions:
- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference;
  - (b) as to the conduct of its inquiry into the reference.
59. The Board may at any time and from time to time give directions to the referring body as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the referring body shall to the best of its ability cause such directions to be carried out.
60. (1) The Board shall deal with any reference as expeditiously as possible.
- (2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that

there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the referring body and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.

61. (1) The place and time of sitting of the Board comprising two or more members shall be as determined by the presiding member.
- (2) The place and time of sitting of the Board comprising one member shall be as determined by that member.
62. (1) Subject to sub-section (2), the Board must give the following persons reasonable notice of the time and place of a sitting of the Board:
  - (a) the Director; and
  - (b) the respondent; and
  - (c) such other persons as the Board believes have a proper interest in the matter.
- (2) The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
63. In any proceedings before the Board:
  - (a) the referring body and any person may be represented by a legal practitioner or, with leave of the Board, by any other person;
  - (b) the referring body or its appointed representative shall do all in its power to assist the Board and shall carry out any directions of the Board;
  - (c) the Board:
    - (i) must give the referring body and the respondent a reasonable

opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board; and

- (ii) must give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.

64. (1) Subject to sub-section (2), a sitting of the Board on a reference before the Board is an open sitting.

(2) On any such sitting before the Board, the Board has an absolute discretion:

(a) to direct that no person other than:

(i) the respondent and any person representing him or her in the proceedings; and

(ii) witnesses or persons making submissions (while giving evidence or making those submissions); and

(iii) officers of the Board or persons assisting the Board; and

(iv) members of or persons appointed by the referring body,

be present in the room while the Board is sitting; or

(b) to direct that a particular person (other than a person referred to in paragraph (a)) not be present in the room while the Board is sitting.

65. The Board may make a determination in any proceedings in the absence of a person affected by the determination

if satisfied that reasonable efforts were made to give that person an opportunity to appear.

66. (1) The Board may require a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the Board the cost of which shall be met from funds under the control of the Synod of the diocese of the referring body.

(2) A copy of the report of an examination under subsection (1) shall be provided to the respondent and to the Board.

67. The Board shall not, in the course of inquiring into any question:

(a) inquire into any matter which is or has been the subject of any formal investigation or enquiry conducted:

(i) under or pursuant to any provision of the Constitution;

(ii) under or pursuant to a Canon of the General Synod, a Canon or an Ordinance of another diocese relating to the discipline of clergy or Church workers by a board of enquiry, tribunal or other body; or

(iii) with the authority of the bishop of a diocese resulting in a formal report to the bishop with findings and which concluded or was commenced prior to the date on which this Statute takes effect in the diocese

but may take into account the finding of any such formal investigation or enquiry.

(b) inquire into, make any findings in relation to or take into account any alleged breach



of:

- (i) faith of the Church, including the obligation to hold the faith;
- (ii) ritual of the Church, including the rites according to the use of the Church and the obligation to abide by such use; or
- (iii) ceremonial of the Church, including ceremonial according to the use of the Church and the obligation to abide by such use.

68. In making any determination the Board shall take into account:

- (a) the conduct of the Church worker as it finds it to have been;
- (b) in the material before the Board, any other fact or circumstance relevant to the determination of the question or questions before it; and
- (c) any failure of the Church worker to comply with a provision of this Statute or with a direction of the Board.

69. If, after investigating the question or questions referred to it about a Church worker, the Board is satisfied that:

- (a) the Church Worker is unfit, whether temporarily or permanently, now or in the future to hold a particular or any office licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
- (b) in the exercise of a Church worker's ministry or employment or in the performance of any function, the Church worker should be subject to certain

conditions or restrictions;

the Board may determine accordingly and may:

- (c) recommend that the Church worker be counselled;
- (d) recommend that the Church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (e) recommend to the Church authority that the licence or authority of the Church worker be revoked;
- (f) recommend to the relevant Church authority that the Church worker's contract of employment (if any) be terminated;
- (g) recommend to the relevant Church authority that the Church worker cease to hold any office then held;
- (h) recommend to the relevant Church authority that a prohibition order be made in terms specified by the Board;
- (i) recommend to the relevant Church authority that the Church worker's holding of office or employment or performance of the function as the case may be, shall be subject to such conditions or restrictions as the Board may specify;
- (j) recommend that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (k) recommend that the Church worker should be deposed from Holy Orders;

- (l) make such other recommendation as the Board sees fit.
70. The Board shall cause a copy of each determination and recommendation to be provided:
- (a) to the relevant Church authority; and
  - (b) to the respondent; and
- shall cause relevant details to be forwarded for entry into the national register.
71. A relevant Church authority to whom a recommendation under this Statute or a recommendation made by an equivalent Board applies is empowered to give effect to a recommendation of the Board and of an equivalent body having jurisdiction to make a recommendation to the Church authority.
72. A person who has been deposed from Holy Orders in accordance with this Statute or in accordance with the provisions of any ordinance, act, canon, constitution, statute, legislative measure or provision of the general synod or the diocesan synod of another diocese of this Church;
- (a) is incapable of:
    - (i) officiating or acting in any manner as a bishop, priest or deacon of this Church;
    - (ii) accepting or holding an office in this Church capable of being held only by a person in Holy Orders;
  - (b) ceases to have any right privilege or advantage attached to the office of bishop priest or deacon;
  - (c) shall not hold himself or herself out to be a member of the Clergy; and
  - (d) is not capable of holding an office in the Church which may be held by a lay person without the prior consent of the Bishop.
73. (1) The deposition of a person from Holy Orders by the Bishop pursuant to the recommendation of the Board

or an equivalent body shall be effected by the execution by the Bishop of an Instrument of Deposition in or to the effect of the form in the Schedule.

- (2) The Bishop must forthwith:
- (a) register the Instrument in the Registry of the Diocese;
  - (b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained;
  - (c) deliver a copy of the Instrument to the Registrar of the Primate;
  - (d) cause relevant details to be forwarded for entry into the national register.

74. A relevant Church authority to whom this Statute applies shall cause relevant details to be forwarded for entry into the national register of any action taken in relation to a Church worker in accordance with a recommendation of the Board.

## **Part 9 – Regulations**

75. Bishop-in-Council may from time to time make amend or repeal Regulations, not inconsistent with the provisions of this Statute, providing for records arising out of or incidental to the operation of this Statute, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the objects and purposes of this Statute.

**SCHEDULE  
TO**

I,  
BISHOP OF BUNBURY do by these presents hereby depose  
you from Holy Orders (particulars of which are set out below) in  
accordance with the recommendation of the Professional  
Standards Board of the Diocese of Bunbury.

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND ADDRESS:

	ORDAINING BISHOP	PLACE	DATE
ORDINATION AS DEACON:	_____	_____	_____
ORDINATION AS PRIEST:	_____	_____	_____
CONSECRATION BISHOP:	AS _____	_____	_____

DATED: \_\_\_\_\_

SEALED

**22. STANDING ORDERS OF THE DIOCESE OF**  
**BUNBURY, 1987-2004**

**1. Times of Sitzings**

- a) The President shall fix the time of the first sitting of each session of Synod.
- b) The hours of meeting, for the remainder of the sittings, shall be fixed by resolution of the Synod.

**2. Quorum**

The President, ten clerical members and twenty lay members of Synod shall constitute a quorum.

**3. The Opening Service**

- a) Synod shall commence with an appropriate act of worship with all members present.
- b) The President may deliver his Pastoral Address at this service or defer it to the Order of Business.

**4. Order of Business – First Sitting**

- a) Prayer. (President)
- b) A clerical secretary and a lay secretary shall be elected from the members of Synod. An assistant clerical secretary and an assistant lay secretary may also be elected.
- c) The Minutes of the previous session will be declared read and confirmed by the appointed Minutes Committee. (President)

- d) The Roll Call of clerical and lay members (Diocesan Registrar).
- e) The President may deliver his Pastoral Address. (Clause 3b).
- f) The Report of the Parish Elections (First Session of each Synod) and attendance (each subsequent Session) and Co-option of additional members to fill vacancies. (Diocesan Registrar).
- g) Motion regarding hours of meeting at each Session. (Diocesan Council member).
- h) Various Nominations. (President).
  - i) A Minute Committee (three members) to read, certify and initial the Minutes after each sitting.
  - ii) Two Lay members appointed to the Bishop-in-Council (the First Session of each Synod).
  - iii) The Chairman of the Diocesan Missionary Council.
  - iv) Media Officer.
- i) A Chairman and a Deputy Chairman of Committees shall be elected.
- j) The appointment of a Clerk of Committees. (President).
- k) Announcement of times for close of nominations for, and holding of elections. (President)
- l) Business may proceed as for Second and subsequent Sitings.

## **5. Order of Business – Second and Subsequent Sitzings**

- a) Questions of the President (Clause 6)
- b) Presentation of Petitions (Clause 7)
- c) Reports and Statements of Accounts, etc. to be presented and tabled (Clause 8)
- d) Notice of fresh motions read out, and tabled.
- e) Motions received before or during the previous sitting will be presented from the Chair to Synod to be declared “Formal” or “Not Formal” (any one voice may declare it “Not Formal”)
- f) “Formal” Motions will be voted on immediately.
- g) “Not Formal” Motions will remain on the Business Paper to be dealt with in due course.
- h) Orders of the Day. Synod will determine the Order of Business, with Bills having the precedence.

## **6. Questions of the President**

- a) Any member of Synod may ask questions of the President which affects the good order of the life of the church both within and outside the Diocese.
- b) Such questions shall be read by the questioner at the appropriate time (Clause 5a), with two copies handed to the President.
- c) The President shall answer the question at a subsequent Sitting and shall put the answer in writing.



## **7. Presentation of Petitions**

- a) Any member of Synod may present a petition to the President from an individual or parish. (Clause 5b). Two copies will be handed to the President.
- b) The President will immediately resolve how best to deal with each petition.

## **8. Reports and Statement of Accounts**

- a) All reports, including financial, will be presented and tabled. They will not be read. They will be dealt with on the Business Paper in the Orders of the Day.
- b) The Statement of Accounts, Budget and all financial matters will be dealt with separately from the other reports. They will be received by resolution of Synod.
- c) All other Reports will be taken as formal. The method of raising a matter from a Report, will be as follows.
  - i) The President shall have the list of Reports read slowly.
  - ii) If a person, other than the writer of the Report, wants to raise a matter, he shall from the floor say “Mr. President”. Discussion shall follow.
  - iii) All reports shall be received by one inclusive motion.
  - iv) The writer of the Report may give notice of a motion arising out of the Report in the normal course of business.

## 9. Rules of Debate in Synod

- a) Every member shall stand and address the President while speaking.
- b) The President may take part in the discussions of the Synod without leaving the Chair.
- c) All questions of Order shall be decided by the President, and such decisions shall be final unless altered by a vote of the Synod.
- d) The President shall call to order any member who shall make personal reflections on, or impute improper motives to, any member; or shall wander from the subject matter of the debate; and except on a question of order, no member shall address the Chair whilst another member is speaking.
- e) Except when in Committee of the whole of Synod no member shall be allowed to speak more than once on the same question, except in explanation. Provided that a member formally seconding a motion shall not be thereby considered as having spoken to the question, and that the mover of any question other than an amendment shall be allowed the right of reply.
- f) Except where extended by permission of Synod the speech of any member on any motion or other matter before Synod shall be limited as follows:-

The Mover of a Motion - to 10 minutes.

The Seconder of a Motion - to 5 minutes.

Any other speaker, including the speech of the mover of any motion in reply - to 5 minutes.

- g) Any business not disposed of at the previous sitting shall have precedence at the next sitting, unless the Synod otherwise determines.
- h) When an adjournment of a debate shall take place, it may be resolved that at the next sitting the adjourned debate shall take precedence of all or any other motions and orders of the day.
- i) No member shall bring any subject under consideration of Synod nor ask any question except in pursuance of a notice given in writing at a previous sitting, except by permission of a majority of members present and voting.
- j) No notice shall be taken of any motion or amendment unless it be seconded, except in Committee.
- k) Motions shall be taken in the order in which they stand, and if not then made, unless postponed by leave of the Synod, shall be considered as having lapsed.
- l) When a motion has been moved and seconded a question thereon shall be proposed by the President. Thereafter no more than two speakers shall be allowed in succession, either for or against any motion. If at the conclusion of the second speaker's remarks, and upon a call from the President, no other member rises to speak on the opposite side, the motion or amendment will at once be put to the vote. At any time before the close of the debate any member may move an amendment thereto.
- m) No question upon a motion shall be proposed from the Chair, until two copies of the motion have been handed in to the Secretaries.
- n) No motion upon which a question has been proposed

from the Chair shall be withdrawn without the permission of the Synod.

- o) No question or amendment shall be proposed which is the same in substance as any question which, during the same Session, has been under the consideration of the Synod and disposed of.
- p) Any motion or amendment containing more than one question shall be divided at the request of any member of the Synod.

## **10. Motions without Notice**

- a) No motion of which proper notice has not been given shall be considered by Synod unless:
  - (i) In the President's opinion it is of an urgent nature; or
  - (ii) It arises out of the President's report; or
  - (iii) The Synod shall give leave for the motion to be considered.

In such cases the mover of the motion shall present to the Secretaries two copies of the proposed motion.

## **11. Procedure in Relation to Amendments**

- a) Whenever an amendment is proposed upon any motion no second amendment shall be taken into consideration until the first amendment shall have been disposed of, but a proposal for a subsequent amendment may be foreshadowed at any time. If the first amendment be carried it shall become the substantive motion, and a question thereon shall be proposed by the President, upon which a further amendment may be moved. If the first amendment be negative, then a further amendment may be moved to the original motion, but only one amendment shall be

submitted to Synod for discussion at one time. All amendments must be relevant to the motion, must be in writing, and must be signed by the proposer. An amendment may not be a direct negative of the intention of the motion under consideration.

- c) When an amendment is proposed it shall be in one of the following forms:
- i) When it is intended entirely to supersede the original motion, the form shall be: “That all the words after the word 'That' in the first line of the original motion be omitted with a view to the insertion of the following words in lieu thereof (words of amendment).”
  - ii) When the object of the amendment is to omit certain words only but not all the words of the original motion, the form shall be: “That all the words after the word - (here state the last word it is desired to retain)” or “That all the words after the word (here state the last word it is desired to retain) up to and including (here state the last word to be omitted),” be omitted, or be omitted with a view to substituting the following words in lieu thereof - (words of amendment).
  - iii) The question before Synod in each case shall be put by the President thus: “That the words proposed to be omitted be omitted.”
  - iv) If it be decided in the negative such words shall be retained unless amended upon motion forthwith made. If it be decided in the affirmative then (when necessary) the question shall be put by the President: “That the words proposed to be inserted be

inserted,” If this question be negative other words may be moved until the Synod shall agree.

- v) In case of an amendment to insert or to add words, the form shall be: “That the words (words of the amendment) be inserted (or be added) after the word (here state the word),” and the President shall propose the question, That the words proposed to be inserted be inserted.”
- vi) The motion as amended shall become the substantive motion and a question thereon shall be proposed by the President.
- c) No amendment shall be proposed on any part of a question after a later part has been amended or after an amendment on a later part has been proposed, unless the proposed amendment has, by leave of Synod been withdrawn.

## **12. Synod as a Conference**

- a) The Synod may, on a motion without notice, resolve itself into a Conference of the whole, under the Chairmanship of the President.
- b) The purpose of such a conference shall be to discuss:
  - i) matters where the Rules of Debate become a hindrance rather than of assistance
  - ii) motions for lengthier debate
  - iii) a matter, which any member may raise, that does not need resolution but does need to be debated.

- c) The President, at his discretion, shall bring the conference to a close at the appropriate time.
- d) Any matter, emerging from such a conference, can be resolved in Synod.

### **13. Rules for Election in Synod**

- a) Notice of vacancies to be filled by Synod shall be sent with the Summons to Synod. All such vacancies shall be filled by members of Synod.
- b) Nomination forms as set out in Schedule I of these Standing Orders shall be provided before or after any sitting.
- c) Nominations may be lodged up until the time announced by the President (Clause 4k).
- d) Nomination shall be placed on a board in the Synod Hall by the lay secretary.
- e) The President, at his discretion, shall resolve any difficulties relating to nominations.
- f) At an hour to be nominated by the President, the sitting shall be suspended for the purpose of conducting a Poll. The lay secretary and the assistant clerical secretary shall issue Ballot Papers. Each Ballot Paper must be initialled by one of the secretaries and a roll of voters kept by them. A Ballot Box shall be provided at or near this table and at the close of the Poll the Box shall be closed.
- g) The President shall nominate two scrutineers who shall take charge of the box at the close of the Poll and who shall then proceed at once to count the votes.

They shall report to the President the result of the voting, whereupon the President shall declare the successful candidates duly elected.

- h) Voting shall be decided on a simple majority. When in any case an equality of votes shall affect the issue, then the President shall privately declare to the scrutineers his casting vote and the declaration of the elections shall be made only after such casting vote has been made and taken into account.

#### **14. Procedure in relation to Statutes**

- a) Every statute or resolution in the nature of a statute shall be introduced by a motion for leave to bring in specifying the title and object of the statute or resolution, or by an order of the Synod on the report of a Committee.
- b) No statute or statutory resolution shall be passed by the Synod until it has been considered in Committee of the whole Synod, and adopted as finally reported to the Synod by the committee.
- c) No alteration shall be made in any such statute or resolution except in Committee of the whole Synod, but it may be re-committed for that purpose after it shall have been already reported to the Synod; such re-committal may be made without limitation, in which case the entire statute or resolution may be considered again in Committee, or such re-committal may be made with respect to certain proposed amendments only, or to the clauses in which such amendments are proposed to be made, or for the purpose of adding more clauses, and in these latter cases no other parts of the statute or resolution are open to consideration; and no measure shall be passed into a statute on the same day that it has passed



through Committee.

- d) No statute or statutory resolution shall be deemed to be in force until it has been finally adopted on the last day of Synod, assented to as finally settled and signed by the Bishop.
- e) The process of dealing with a bill for a Statute in Synod:

### **Step 1 General principles**

- i) **MOVER:** “I MOVE FOR LEAVE TO BRING IN A BILL FOR A STATUTE TO BE KNOWN AS .....” (Give TITLE AND PAGE NUMBER, in Business Paper)
- ii) **SECONDER** formally seconds.
- iii) **MOVER:** speaks on the general principles of the Bill and or reason for bringing it before Synod.
- iv) **OTHERS:** may speak (Clause 9, Rules of Debate in Synod apply as applicable).
- v) **PRESIDENT:** puts the motion (if lost the matter ends here)

### **Step 2 In Committee**

- vi) **PRESIDENT:** “DOES ANY PERSON WISH TO DEBATE THE BILL IN COMMITTEE?”

Either: If no member answers “yes” the motion that the bill do now pass may be moved forthwith.

or: If any member answers “yes” then the Synod shall without motion, forthwith be deemed to have resolved itself into Committee to consider the bill in detail.

vii) CHAIRPERSON OF COMMITTEES takes the Chair

a. The Bill will then be considered clause by clause with the Preamble and title being left until last.

b. The Mover only needs to speak when there is a desire to amend a clause, oppose or accept an amendment, or make an explanation.

c. When the committee has completed its consideration of the Bill the Synod shall be deemed to be reconvened. The chairperson shall report to the President the Bill as agreed in Committee.

### **Step 3**

### **In Synod**

- i) PRESIDENT: “THAT THE REPORT BE AGREED TO”

The Bill cannot move ahead until the Chairperson has endorsed a copy of the Bill as a true copy as agreed to by the Committee.

When completed at this or a subsequent sitting

- ii) MOVER: “I MOVE THAT THIS BILL DO NOW PASS”

### **15. Procedure in Committee of the whole Synod**

- a) In Committee of the whole Synod the quorum shall be the same as in the Synod itself.
- b) If during a progress of business in Committee notice be taken that there is not a quorum the Chairman shall leave the Chair and report the same.
- c) A Motion of Adjournment of Committee shall be “That the Chairman leave the Chair, report progress, and ask leave to sit again.”

On such motion being carried the Chairman shall report to the Synod and ask leave to sit accordingly.

- d) The Standing Orders shall so far as applicable be observed in Committee, and the Chairman shall have the like powers and duties of the President.

## **16. Voting in Synod**

- a) A question shall be resolved on the voices aye or no. The President shall state which has the majority.
- b) Any member may then call for a Division to take place.
- c) When a Division is called the President shall give notice that any member may leave or enter the Synod and after the space of one minute the President shall ring his bell and thereafter no member shall enter or leave the Synod until the result is declared.
- d) When a Division is called, the members present shall divide either with the “ayes” to the right, and the “noes” to the left of the Chair, or by the raising of one hand at the appropriate time.
- e) The President shall appoint two tellers, and he, the President, shall declare the result.

## **17. Voting by Orders**

- a) Any two of the clergy present, or any four of the laity present may (Constitution Act Clauses 11-13) require a vote by Orders.
- b) The President shall appoint two tellers, one clerical and one lay, and he, the President, shall declare the result.

## **18. Suspension of Standing Orders**

Any Standing Order of the Synod may at any time be suspended on motion with notice; any Standing Order may also be suspended

on motion without notice, with the consent of a majority of members present and voting.

## **19. Superseding a Question**

- a) A question may be superseded
  - i) by a motion that the Synod proceed to the next business;
  - ii) by a motion that the question be now put;

These questions must be put forthwith without debate.

- b) If the motion “That the question be now put” be carried, the original motion shall be put forthwith without further amendment or debate. If any of the motions in the preceding standing order be negatived, the President shall again propose the original question and the debate shall be resumed from the point at which it was interrupted.

## **20. Absence of a Quorum**

- a) If at any time during the progress of business, on any member moving that the house be counted, there be not a quorum present, if there be not a quorum formed within five minutes the President shall adjourn the Synod until the next time of sitting.
- b) A debate interrupted by such counting out may be resumed at the point where it was interrupted on motion upon notice.

## **21. Motions of Adjournment**

A motion for adjournment of either the Synod or the debate

may be made at any time; provided that no member shall be interrupted thereby while speaking. But should such a motion for adjournment be negatived, no similar motion for adjournment shall be entertained until the expiration of a quarter of an hour from the preceding one, except at the hour fixed for the adjournment of Synod.

## **22. Select Committees**

- a) The motion that a Select Committee be appointed, and the motion for the appointment of persons to serve on such Committee shall be decided separately and shall form two distinct notices of motion, and it shall be competent for any member of Synod to require that the Committee be elected by ballot. After a ballot has been taken the President shall nominate a convenor of the Committee, in all other cases the mover shall be the convenor.
  
- b) Select Committees shall choose their own Chairman, who shall sign the report and unless directed specially to report to the Synod during the Session in which they are appointed, shall have the power to sit during the recess, and report at the next Session. And every Select Committee shall continue in existence until its report shall have been finally disposed of, or permission for its dissolution shall have been given.

## **23. Meetings of Synod to be open to the Public**

The meetings of Synod shall be open to the public, but at the request of 15 members, the President shall order them to withdraw.

## **24. Alteration to Standing Orders**

Any of the Standing Orders may be altered, or amended, during the Session of the Synod, provided that two-thirds of the members present and voting do agree thereto.

## **25. Notices of Synod Business**

When any member of Synod shall cause to be delivered to Church Office not less than 42 days preceding a Session of Synod, notice in writing of such member's intention to bring forward a motion in synod with the terms of such motion, the Diocesan Council shall place such notice on the Business Paper. The Diocesan Council cause to be posted to each member of Synod not less than 21 days preceding a Session of Synod a Business paper together with all relevant papers setting out matters to be submitted to Synod, of which the Diocesan Council shall have had notice, and setting out all matters required by statute to be submitted to Synod, and shall cause a printed copy of the draft of any statute or statutory resolution proposed to be introduced to be posted with the Business paper. And no bill which has not been so sent out to members of Synod shall, without special leave of Synod, be placed on the Business Paper of any Session.

**SCHEDULE 1**

I hereby nominate .....

For the office of .....

(Signed) ..... Nominator

I hereby agree to the nomination.

(Signed)..... Candidate



### **23. THE STIPENDS STATUTE 2008**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known and cited as “The Stipends Statute 2008”.
2. The Stipends Statute 2001 is hereby repealed.
3. Provincial Stipends Committee

The following shall serve on the Provincial Stipends Committee:

- a) The Bishop or the Bishop’s appointee.
  - b) The Diocesan Secretary.
  - c) Two lay members of Synod who shall be appointed by Bishop-in-Council following the First Session of each Synod.
4. Bishop-in-Council shall consider any recommendations from the Provincial Stipends Committee and shall determine stipends and allowances to be paid to clergy and staff.
  5. In the event of no such recommendation, Bishop-in-Council shall make its own recommendation.

## **24. THE SYNOD ELECTIONS STATUTE, 1989-2006**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known and cited as “The Synod Elections Statute 1989”.
2. The Synod Elections Statute 1963-1988, is hereby repealed.
3. The Electorates

Each Parish or Parish of the Diocese shall elect two (2) lay Synod members and two (2) alternate lay Synod members. In the event of a lay Synod member being unable to attend part or all of a Synod Session, either of the alternate lay Synod members shall represent the Parish or Parish in place of that Synod Member for all the Session as directed by the priest.

### **4. Year of Election and Election Procedure**

The general elections of members of Synod shall be held at the Annual Meeting of Parishioners in every Electorate in the year 1991 and every third year thereafter.

- a) Only duly qualified persons may be nominated (refer The Constitution Act Schedule).
- b) If the nominee is not present that person's consent to such election shall be produced in writing.
- c) If voting is necessary, it shall be by secret ballot.
- d) The returning officer shall have a casting vote only.
- e) All questions concerning the conduct of the election not otherwise provided for in this Statute shall be decided by

the returning officer.

- f) Within ten days of any election the returning officer shall return to the Bishop the Mandate of Election with the names of the persons elected endorsed thereon.

## **5. Who may Vote**

The persons qualified to vote shall be parishioners of the Electorate of the full age of eighteen years and upwards.

## **6. The Returning Officer**

The priest, or if there be no priest, some person appointed by the Bishop shall be the returning officer. In the conduct of the election the returning officer shall be assisted by two scrutineers appointed by the returning officer.

## **7. Notice of Election**

A mandate for the election of members of Synod shall be issued by the Bishop to the returning officer in each electorate, who shall give notice of the election during Divine Service on two Sundays before the election.

## **8. Failure to Elect or Vacancy**

If there be a failure to elect, or a vacancy occurs, the Bishop shall appoint a person, being duly qualified, nominated by the parish council to fill such vacancy. The person so appointed shall hold the seat until the general election next following.

## **9. Invalid Election**

In case the Council shall find any election invalid, the seat shall be declared vacant, and action shall be taken in the manner specified in Section 8 of this Statute.

## **25. THE DIOCESAN TRUSTEES STATUTE, 1985-1991**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

This Statute shall be known as “The Diocesan Trustees Statute 1985”

### **Preamble**

Whereas

- a) By the Anglican Church of Australia Diocesan Trustees and Lands Act in 1918 section 3 there was constituted a Corporation by the name and style of “The Bunbury Diocesan Trustees” and which is in this Statute referred to as the Corporation
- b) By the provisions of that Act the successors in office of the trustees originally constituted are to be appointed from time to time in accordance with the provisions of a statute of the Synod of the Diocese
- c) The provisions of that Act provided that the property to be held by the Corporation shall in addition to every liability trust and obligation affecting such property be subject also to the statutes, orders, directions and regulations of the Synod of the Diocese.

Be it therefore enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled as follows:-

### **1. Repeal**

The Diocesan Trustees' Statute 1965 - 1981 and The Diocesan Treasurer Appointment Statute 1942 are repealed.

## **2. The Trustees**

The Trustees shall be:

Clerical: The Bishop (Chairman) The Administrator and two Trustees elected from Synod

Lay: The Diocesan Chancellor  
The Diocesan Advocate  
The Diocesan Secretary  
and three Trustees elected from Synod.

## **3. Election of Trustees**

Synod shall elect the Trustees at the first Session of each Synod.

## **4. Diocesan Treasurer**

- a) The Diocesan Trustees shall elect from their own number a person to be the Diocesan Treasurer.
- b) Such election shall take place at the first meeting after the first Session of each Synod, or, as required.

## **5. Vacancy**

- a) Any casual vacancy occurring among the Trustees shall be filled by the Council until the next Session of Synod when the vacancy shall be filled by Synod.
- b) A Trustee may resign, in writing, to the Bishop of the Diocese.
- c) The Bishop, with the advice of the Council, may, if he sees fit, in writing, remove a Trustee from his office for any of the following causes:

- i) failure to sign the Declaration of Trust hereinafter required
- ii) absence without leave from six consecutive meetings of the Trustees
- iii) sequestration of his estate as a bankrupt or insolvent
- iv) commission of any offence punishable at law
- v) drunkenness or unchastity
- vi) incapacity from mental or physical infirmity to perform the duties of the office
- vii) refusal to conform to the statutes of Synod.

## **6. The Declaration**

Every Trustee shall sign a declaration that he will hold all property which shall become vested in him as such Trustee upon the trusts and subject to the provisions of this Statute.

## **7. The Seal**

The Common Seal shall be kept at the Church Offices in the custody of the Diocesan Secretary and shall be used or affixed on all documents requiring the same. A record of all documents and papers to which the Seal is affixed shall be entered in a book kept for that purpose. The impressing of the Seal to be witnessed by any two Trustees and the Diocesan Secretary.

## **8. Procedure**

The Trustees shall have power to make rules for the conduct of all business coming before them. At a meeting of the Trustees, five Trustees one of whom shall be the Chairman or his nominee shall form a quorum.

## **9. Functions and Powers of the Trustees**

- a) All property, real or personal, which is vested in or which may be transferred to the Trustees or which has been or may hereafter be given granted devised or bequeathed to or for the benefit of the Anglican Church of Australia in the Diocese of Bunbury shall be held by the Trustees upon trust subject to the conditions (if any) of every such gift grant devise or bequest for the use of the said church and as the Synod of the Diocese shall direct.
- b) The Corporation in addition to all powers vested in it by the enactments of the Parliament of Western Australia or of the Commonwealth of Australia or at law shall have the following further powers:
  - i) to continue to hold any investments, stock, shares, debentures, mortgages or other securities which it has obtained;
  - ii) to continue or vary any investment now or hereafter held by it in such manner as it thinks fit;
  - iii) at its discretion and for ecclesiastical purposes to advance money on loan or guarantee overdrafts;
  - iv) all powers and discretions vested in or given to Trustees by the Trustees Act 1962.
- c) The Corporation and its predecessors shall be deemed to have and always to have had all powers vested in the Corporation by the enactments of the Parliaments referred to and by this Statute.

d) In respect to:-

- i) All Real Property within an Ecclesiastical District, and
- ii) All Personal Property held on Trust on behalf of an Ecclesiastical District; the Trustees shall, before dealing with such property, seek the opinion of the parish council of the Ecclesiastical District concerned, which shall within such time as the Trustees nominate (being not less than seven days) advise the Trustees in writing of the opinion of the said parish council. If the Trustees make a decision concerning such property contrary to the opinion of the said parish council the Trustees shall report thereon to the next session of Synod.

## **10. Responsible to Synod**

The Trustees shall lay before the Synod at the beginning of every Session a statement of all property held by them and of the manner in which the same is invested and is being dealt with and applied, and also an account of all receipts and payments of and connected with the said property. Any such accounts shall be audited prior to each Session of Synod by an auditor or auditors appointed at the First Session of each triennial Synod, provided that if a vacancy occur in the office of auditor by death, resignation, removal from office or otherwise, and Trustees shall have power to appoint an auditor or auditors who shall act until a successor or successors shall be appointed by Synod.

11. This Statute shall be known as “The Diocesan Trustees Statute 1985-1991”.



## **26. THE BUNBURY DIOCESAN TRIBUNAL STATUTE, 1985-**

**2002**

Whereas:

- a) Section 53 of the Constitution of the Anglican Church of Australia requires to be established a diocesan tribunal of each diocese to be the court of the Bishop and to have the jurisdiction prescribed by Section 54(2) to hear and determine charges of breaches of faith ritual ceremonial or discipline and of such offences as may be specified by any ordinance or rule of a diocese.
- b) Section 54(3) requires the synod of the diocese to appoint a board of enquiry.

Be it therefore enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled.

1. This Statute shall be known as The Bunbury Diocesan Tribunal Statute 1985.
2. The Clergy Discipline Statute 1907-1982 is repealed.

### **3. Diocesan Tribunal**

- a) There shall be in and for the Diocese of Bunbury a Court of the Bishop to be known as the Diocesan Tribunal and it shall consist of:-
  - i) The Bishop of the Diocese who shall be President.
  - ii) Two clerks in the holy order of priest and holding the licence of the Bishop and to be

elected by synod.

- iii) A lay person to be elected by synod.
- b) The initial members of the Tribunal shall be elected by Synod on the coming into force of this Statute, and they shall hold office until commencement of the First Session of the next ensuing Synod. Thereafter Synod at its First Session following the general election of synodsmen shall elect the members to the general election by it and they shall hold office until the commencement of the First Session following the general election of synodsmen for the next ensuing Synod.
- c) The Tribunal when sitting shall be constituted by all members and in the event of a member being disqualified from sitting at a particular hearing or in the event of a member otherwise being absent the Bishop may appoint another person with similar qualifications to constitute the Tribunal for that hearing.
- d) The Tribunal shall have power to hear and determine charges in respect of breaches of faith, ritual, ceremonial or discipline, and the following offences made against a person who holds the Licence of the Bishop.
- i) Unchastity
  - ii) Drunkenness
  - iii) Habitual, wilful neglect of duty after written admonition by the Bishop.
  - iv) Wilful failure to pay just debts.

- v) Conduct disgraceful in a Christian and productive of scandal or evil report. This can include malicious and harmful gossip.
  - vi) Wilful neglect of the weekly worship of the church.
  - vii) Any offence punishable by law being a notable crime.
  - viii) The preaching or teaching of heresy or heretical practice, if the Board of Enquiry constituted by section 6 make a recommendation that the charge be proceeded with.
  - ix) The practice of magic or sorcery and/or any offences related thereto.
  - x) The wilful misuse or theft of church monies or funds or church property.
  - xi) The wilful failure to observe and practise the laws and statutes of the Diocese.
  - xii) Wilful and deliberate disobedience to the Bishop and his instructions.
  - xiii) Any other offences as may be specified by any statute ordinance or rule.
- e) No charge relating to faith, ritual or ceremonial shall be heard by the Tribunal until it has been referred to the Board of Enquiry and that Board has declared it to be a charge to be heard.

#### **4. Deputy President**

The Bishop may at any time and from time to time appoint a priest of the Diocese holding his licence to be Deputy President who shall at the request of the Bishop act as President at any sitting of the Tribunal. The Deputy President shall not be present at or constitute the Tribunal unless requested to act as President. An appointment of a Deputy President shall revoke any appointment of deputy President previously made.

#### **5. Vacancies**

- 1) The office of a member shall become vacant in the event of that member:
  - i) Dying, resigning or ceasing to live in the diocese.
  - ii) Being a clerical member ceasing to hold the licence of the Bishop.

A member may resign by tendering written notice to the Bishop. The Bishop alone shall determine whether or not a member is living in the Diocese.

- 1) A vacancy in the Tribunal shall be filled by a person appointed by the Bishop and the person so appointed shall have the same qualifications as the member whose office shall become vacant. The new member so appointed shall hold office until the First Session of Synod next ensuing.
- 2) A member shall be disqualified from sitting at any hearing:-
  - i) In which he is the subject of the charge.
  - ii) In which he disqualifies himself by declaring that he has an interest or that there is a matter that would affect his judgement.

## **6. Board of Enquiry**

There shall be a Board of Enquiry to consist of

- a) The following three members to be appointed by the Bishop:-
  - i) A Chairman
  - ii) One clerical member of Synod
  - iii) One lay member of Synod.
  
- b) The following two members to be appointed by the Bishop-in-Council:-
  - i) One clerical member of Synod
  - ii) One lay member of Synod.
  
- c) The Board of enquiry shall be entrusted to:
  - i) Investigate the proposed breach in a matter relating to faith, ritual or ceremonial;
  - ii) Seek the advice and/or assistance of any other Person whom they regard as competent in such matters;
  - iii) Examine all evidence pertaining to the alleged breach;
  - iv) Make a recommendation to the Bishop if the charge should be preceded with. If the Board of Enquiry do recommend that such a charge be brought before the Tribunal, the Bishop shall comply with such recommendation.

## **7. The Church Advocate**

The person holding the office of Church Advocate under the repealed Act immediately prior to the Act being repealed shall be the Church Advocate appointed under this Statute until the First Session of the next Synod. The Synod shall at the First Session following the general election of Synodsmen, select by ballot a fit person, being a barrister of seven years standing, to be nominated to the Bishop for appointment as Church Advocate of the Diocese, to conduct on behalf of the church all proceedings instituted under this Statute: provided that if the Bishop shall not see fit to appoint such person the Synod shall again proceed to select and nominate another fit person in like manner. Provided also that should any vacancy occur in the office of Advocate the Bishop may, with the consent of the Synod or of the Diocesan Council if the Synod is not in session, appoint a fit and proper person to be Advocate until the next meeting of the Synod.

## **8. Procedure**

- a) The Church Advocate or any five confirmed communicant members of the church who have reached the age of eighteen years, resident within the Diocese, may prefer a charge against any person specified in Clause 3(d) of this Statute. If the charges be preferred against a priest with reference to any offence alleged to have been committed within the parish in which he is licensed the communicants shall be members of that parish.
- b) The charge shall be in writing in the form set forth in Schedule A and state full particulars of the matter or matters alleged. The original shall be sent under seal to the Bishop of the Diocese and a duplicate copy to the person charged. The Bishop shall immediately refer the charge to the members of the Tribunal. The Tribunal shall meet within fourteen days of every member thereof receiving notice of the alleged offence. The Tribunal, after making such enquiries as it deems fit, shall

either dismiss the charge without a hearing or declare that the charge be heard.

- c) If the Tribunal declares that the charge is to be heard the following procedure shall be followed:
- i) The Bishop shall direct the Advocate to exhibit articles of accusation against the Respondent before the Tribunal and which Articles shall be signed by the Advocate.
  - ii) The Bishop shall inform the Registrar of the Diocese of the Tribunal's intention to hold a hearing;
  - iii) The Registrar shall then summon a hearing by notice in writing to all interested and concerned parties to the charge. This notice shall state the date, time and place of the hearing. The Registrar shall insure that this notice is sent to all parties concerned at least fourteen days before the hearing.
  - iv) On the day appointed for the hearing the members of the Court other than the Bishop shall sign before the Bishop the declaration in Schedule B.
  - v) The argument for the defence may be made either by the Respondent himself or by his agent or counsel, or partly by the Respondent and partly by his agent or counsel, and such arguments may be written either wholly or in part.
  - vi) Every witness shall, before he gives any evidence, make a solemn declaration that he will speak the truth, the whole truth, and

nothing but the truth. All oral evidence given on the trial shall be reduced to writing, and the witness giving it shall be required to sign it. The Respondent if he demands it shall be examined as a witness.

- vii) If it shall be made to appear to the Bishop of the Diocese by the Church Advocate or the Respondent, that any person whose evidence is required is unable to attend as a witness upon the hearing of the charge, for reasons satisfactory to the Bishop, the Bishop may order the examination of any such person on a day to be named in such order before a Commissary appointed by him, and upon such examination the Respondent or his Agent or Council may cross-examine such person, and the evidence taken shall be reduced to writing by the person taking the examination and signed by the witness, if he be able to sign, and returned certified by the Commissary without delay to the Bishop, who shall upon demand of either party produce the same at the trial, and any evidence taken as aforesaid shall be admitted upon the trial of any charge.
- viii) If the Respondent shall after due citation, neglect or refuse to appear, the Tribunal may proceed, as if he were present, to enquire into and decide upon the articles of accusation.
- ix) As soon as possible after a hearing, the Tribunal shall determine the validity of the charge under consideration. It shall set forth its report in writing together with its determinations and recommendations with regard to:



- a) The charge
- b) Monition
- c) Suspension or expulsion from office or appointed position.
- d) Deprivation of rights and entitlements.
- e) Deposition from Holy Orders.

The Tribunal's Report shall be signed by all its members who have made the decision. It shall be taken by, or forwarded to, the Bishop of the Diocese, under seal and the Bishop alone shall make known its contents to the person who has been charged.

The Bishop shall then exercise his prerogative.

## **9. The Bishop's Prerogatives**

The Bishop shall possess to himself the following prerogatives:

- a) Mercy: The Bishop may consult with the Tribunal regarding any decision that is made or any sentence that is recommended and in the exercise of his prerogative of mercy, may mitigate a sentence, suspend the operation of a sentence or both mitigate and suspend the same.
- b) Enforcement: The Bishop may take all such steps as he deems necessary to enforce any decision and/or recommendation of the Tribunal.

## **10. Interim Suspension**

When articles of accusation are exhibited the Bishop may suspend the Respondent from the exercise of his ministerial functions pending the trial, but the Respondent shall not before sentence to that effect be deprived of any emolument attached to his cure.

## **11. Right of Appeal**

- a) Any appeals arising from any recommendation or sentence of the Diocesan Tribunal shall be made to the Appellate Tribunal.
- b) All appeals must be lodged within twenty eight days of the Diocesan Tribunal's decision being made known.

## **12. Costs**

The costs of all proceedings under this Statute shall be met as determined by the Diocesan Tribunal or Appellate Tribunal as the case may be.

## **13. Rules**

It shall be competent for the Bishop and the Church Advocate to make all such other rules as may from time to time be necessary for regulating proceedings in the hearing and determination of causes to be brought before them, and to alter or rescind the same. Provided that the same shall not be repugnant to any of the provisions of this Statute. All rules so made shall be laid before the Synod at the session next after the making of the same.

**SCHEDULE A**

I (or We) of  
Do hereby charge N.N. of and holding  
the Bishop's Licence as a that he/she  
has committed the ecclesiastical offence of the kind hereinafter set forth, that is to say, that he/she has been guilty of (here state the offence, with particulars of time and place, and names of witnesses intended to be brought forward) and I (or We) desire that you, the Bishop of the Diocese will forthwith cause an enquiry to be made into these charges, in which enquiry I (or We) engage to render every assistance. And I (or We) solemnly declare that I (We) believe that charges laid to be substantially true.

.....

We, being confirmed Communicants of the Anglican Church of Australia of the full age of 18 years, certify our belief that the parties bringing the above charges are worthy of credit.

E.F., confirmed communicant at  
G.H., confirmed communicant at

**SCHEDULE B**

I, A.B., of hereby declare  
that I will well and truly try the several articles of accusation now to be exhibited and that I will find according to the evidence to the best of my judgment and ability.

As witness my hand this day of 20

.....

Witness: D.C., of

**27. RULES, CUSTOMS AND INFORMATION IN GENERAL**  
**FROM THE BISHOP AND BISHOP-IN-COUNCIL**

**1. Parish Buildings and Grounds**

- a) It shall be the responsibility of the parish council (or the Local Committee where it applies) to keep the church, the church hall and other such buildings, together with the grounds surrounding them, in a clean and tidy condition at all times.
- b) The care of the Rectory and the grounds surrounding it shall be the responsibility of the parish priest. Where expansive grounds with lawns, hedges and flower-beds exist it shall be the responsibility of the parish council, on the recommendation of the Rector, to provide for their care and upkeep.

**2. The Rectory Overhead Expenses**

- a) The cost of all overhead expenses on the Rectory shall be a charge on the parish council. Parish priests are urged to act responsibly in the use of light and heat.
- b) In the case of the use of the Rectory telephone all private calls shall be listed and their cost refunded to the parish council.

**3. The Parish Car**

- a) The purchase and maintenance of the parish car is the responsibility of the parish council. The care of the parish car is the responsibility of the parish priest. He shall keep it clean and tidy at all times and shall make sure that it is serviced regularly at the garage.
- b) When the parish car is used for private purposes the miles of travelling shall be listed and the cost of the petrol used shall be refunded to the parish council. (See Licensing Statute,

Section 15).

- c) For the use of the parish car during Annual Leave. (See Licensing Statute, Section 15).
- d) Travelling outside the parish for Diocesan purposes is not private travel.

#### **4. Faculties**

- a) Forms of consent are required by the Bishop and the Diocesan Trustees before certain works may be carried out in a parish. (See Parochial Statute, Section 11 c) i). Faculty forms in duplicate (supplies by the Diocesan Secretary) should be lodged in time for consideration by the Trustees before work of any kind proceeds.
- b) The Diocesan Trustees require parish council to comply with Municipal and Board of Health By-laws regulating the erection of churches, halls, rectories etc.
- c) All monies for such building purposes shall have been lodged with the Diocesan Trustees who shall sign all contracts. When the advance of monies held by the Trustees is required, the Architect's Certificate or other required notice must be presented at Church Office three clear business days before payment can be made.

#### **5. Insurances**

In all matters concerned with Insurance parish councils are advised to contact the Diocesan Secretary at Church Office, before taking any action.

## **6. The Blessing of Buildings**

The following requirements are necessary before a building is consecrated or dedicated:-

- a) Timely notice must be given to the Bishop of the proposed date for the Ceremony.
- b) The Bishop must be consulted before the name of the Patron Saint is decided.
- c) The Diocesan Trustees must be satisfied that the prescribed rules and regulations of the Diocese have been kept.
- d) A Form of Petition (supplied by the Diocesan Secretary) containing the signatures of the Churchwardens and Parishioners must be ready for the Bishop before the commencement of the service.
- e) An inventory of the furniture and ornaments, which shall be available at the time of consecration shall be lodged at Church Office.
- f) The church must be furnished with an altar, fair linen cloths, the sacred vessels for Holy Communion, a credence table, a Bible, Prayer Book, a font together with seats and kneelers at least.

## **7. The Function and Duties of the Archdeacon**

### **1. Bishop**

- a) The Archdeacon acts as the representative of the Bishop. He is directly responsible to the Bishop.
- b) The role of the Archdeacon is to be understood primarily as a pastoral one. Under the Bishop he has a pastoral relationship

with the clergy and their families.

- c) The office and function of the Archdeacon in no way precludes priest or people from direct contact with the Bishop, as they may require it.
- d) In the event of any dispute arising in a parish which may require enquiry or mediation, the Bishop may depute the Archdeacon to visit the parish to conduct an enquiry or to give counsel to the parties concerned. He should report any results or recommendations to the Bishop as soon as convenient afterwards.
- e) As required by the Bishop the Archdeacon Recognises a New Ministry.
- f) The Archdeacon should advise the Bishop as necessity arises upon any matters relating to the well-being of the clergy, lay officers or parishes which may require the Bishop's attention.
- g) As required by the statutes he should be aware of the holiday arrangements of the clergy on advice from the Area Dean.
- h) The Archdeacon is ex-officio a member of the Bishop-in-Council and of certain other diocesan committees and acts as an advisor to the Bishop in matters concerning the well-being of the diocese as a whole.

## **2. Clergy and Staff**

- a) The Archdeacon encourages the clergy and staff:
  - in praying, the saying of the Daily Office and the regular celebration of the Eucharist
- b) in the role of preaching, teaching and discipling, thus equipping the church for ministry

- c) to care for their people, to visit regularly and be known in the parish
- d) The Archdeacon is available for referral of problems that may arise through any inadequacy or breakdown of relationship within a parish.

### **3. Parishes**

At least once every three years the Archdeacon should make a formal visitation of each parish. This should be arranged in advance so that the parish priest and churchwardens may have everything ready for inspection. The visitation should involve the examination of the following:-

- a) All properties, churches, halls, rectories and other buildings including the fabric of buildings and the furnishings of churches.
- b) Sacred vessels, linen, vestments and other articles used for divine service and the administration of the sacraments.
- c) Whether there has been any addition, alteration or removal of items in the church without the Bishop's faculty.
- d) Registers of services, baptisms, confirmations, marriages and burials.
- e) A roll of Parishioners.
- f) Preservation of historical records.
- g) The adequacy of the insurance coverage on buildings.
- h) Arrangements for the Liturgy and the administration of the sacraments.



The formal visitation should include a meeting with lay officers of the parish for mutual consultation.

#### **4. Vacant Parishes**

- a) The Area Dean is responsible for ministry within a parish when there is no resident priest.
- b) He will consult with the Bishop and/or the Archdeacon of the Diocese in such vacancies.

#### **5. Information required by the Archdeacon**

- a) Every priest, deacon, and full-time licensed lay worker shall notify the Archdeacon when he intends to take annual leave, together with the arrangements for Sunday services, emergencies and other necessary duties.
- b) For the pastoral care of the parish, the Archdeacon shall be informed by the parish priest when he intends to be absent from the parish for more than forty-eight hours.
- c) When a parish priest resigns from a parish he shall forward the following information to the Archdeacon:
  - i) Whereabouts of keys of parish buildings.
  - ii) Whereabouts of parish registers and records.
  - iii) Names and addresses of aged and infirm people who may need personal ministry.
  - iv) Communion of the Sick and Aged;  
Names and addresses  
Times  
Customary form of service
  - v) Possible candidates for Baptism, First Communion, Confirmation etc.

- vi) Any fixtures already arranged -Baptisms, Marriages, social functions etc.
- vii) Customary arrangements for sacramental confession, and form used.
- viii) Customary festivities, celebrations and social events in the parish.
- ix) Bookings of events and occasions to take place in the parish.
- x) List of key people in various parish positions and organisations. Include addresses.
- xi) Necessary information on customary liturgical practices and the times of Services both Sunday and weekday as at present existings.
- xii) Lists of difficult situations, i.e. ministry to those who should receive special pastoral care - lapsed church members, those estranged by marriage breakdown, etc.
- xiii) Other relevant information.

## **8. The Function and Duties of the Area Dean**

The Area Dean is responsible to the Bishop for the Deanery, in relation to the clergy, deanery life, and vacant parishes.

### **1. Clergy**

- a) The Area Dean is to be the Chairman of the Deanery Chapter, which will meet at least four times a year.
- b) The Area Dean will be an encourager to the Clergy within the Deanery.

## 2. Deanery Life

The Area Dean is to encourage members of the parishes to meet together from time to time to consider matters pertinent to the Deanery, e.g.,

Parish based ministries

Collaborative Ministries and the sharing of resources within the Deanery

Training of pastoral assistants

a) He is responsible, with the incoming priest and the Churchwardens, for the Recognition of a New Ministry.

b) **The Preparation for Recognitions:**

The Rectory to be clean and ready for occupation, and its grounds neat and tidy.

2. i) The Liturgy for Recognition will take place within the context of the Eucharist.

ii) See Bunbury Customary R1.

iii) Hymns should be chosen by the Area Dean in consultation with the priest - elect and the Organist.

3. Have invitations sent to:

i) Neighbouring clergy

ii) Priest and Ministers of other churches

iii) Civic dignitaries

iv) Anyone the Priest-elect wishes to invite.

4. Have the occasion well advertised.
5. Have seating reserved for:-
  - The Bishop
  - The Archdeacon
  - The Area Dean
  - Visiting Clergy (including those of other churches)
  - The Registrar
  - Priest's family
  - Other invited guests
6. Have servers arranged and rehearsed.
7. Instruct the churchwardens as to their role in the service. (They need to know the full name of the Priest-elect).
8. Have sidesmen available to welcome those who come and to show invited guests to their places.
9. A place for the clergy to robe.
10. Arrangements made for a parish welcome.
  - i) The Area Dean should be the Chairman.
  - ii) Speakers chosen and informed. Speeches brief please.
  - iii) Seating arrangements for official party, including the Priest's wife and family.
  - iv) Supper arrangements.

## **9. FORM OF BEQUEST**

I give and bequeath to The Bunbury Diocesan Trustees whose receipt shall be valid and sufficient discharge of the same to be held in trust for or be applied for ecclesiastical purposes in connection with The Anglican Church of Australia.

(If it is desired to make a specific bequest insert instead the particular Diocesan Fund, or the name of the parish, as the case may be, for which the bequest is intended. But if the Testator prefers to leave the appropriation of this bequest to the discretion of the Diocesan Trustees, instead of “to be held in trust for”, etc, he may substitute the words “to be applied at the discretion of the said Trustees”, or if the Testator prefers, he may substitute the words “to be applied at the discretion of and subject to the direction of the Diocesan Council.”)

## **28. THE INTERPRETATION STATUTE 1994-2005**

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:-

1. This Statute shall be known as “The Interpretation Statute 1994”.
2. This Interpretations Statute 1965-1985 is hereby repealed.
3. **Interpretations**

In this Statute, and in every statute of the Diocese heretofore passed or hereafter to be passed, unless the contrary intention appear, the words herein contained shall bear the meaning attached to them.

***Administrator:*** The priest authorised under the Bunbury Diocesan Administration Statute.

***Appointed:*** Appointed by the Bishop.

***Archdeacon:*** A priest appointed and collated to that office with or without jurisdiction.

***Senior Archdeacon:*** The Archdeacon of the Diocese so appointed.

***Archdeacon Emeritus:*** A priest appointed to hold the title.

***Archdeaconry:*** A division of the Diocese defined under the hand and seal of the Bishop, being territory under the jurisdiction of an Archdeacon.

***Assistant Bishop:*** A Bishop appointed after consultation with the Council under the provisions of The Provincial Synod Boundaries Resolution 1965.

***Assistant Clergy:*** Clergy who hold the Bishop's licence and shall normally be stipendiary.

***Assisting Clergy:*** Clergy who hold a Permission to Officiate and are normally non stipendiary.

***Bishop:*** The Right Reverend the Bishop of Bunbury.

***Canon:*** A priest appointed to that office under (a) the provisions of the Cathedral Statute, or (b) Legislation of the Provincial Synod or Provincial Council or of the General Synod of the Anglican Church of Australia.

***Canon Emeritus:*** A priest appointed to hold the title on ceasing to be a parish priest.

***Honorary Canon:*** A priest appointed to hold the title.

***Lay Canon:*** A lay person appointed or elected under the provisions of the Cathedral Statute.

***Honorary Lay Canons:*** A lay person resident in the Diocese appointed to hold the title.

***Cathedral:*** The church within the Diocese containing the seat of the Bishop, namely the Cathedral church of St Boniface, Bunbury.

***Cathedral Chapter:*** The Governing Body of the Cathedral parish, constituted under the Cathedral Statute.

***Chancellor:*** A Barrister of seven years standing, appointed to be the principal Legal Officer of the Bishop.

**Church:** (When applied to a building). A Building which is set apart or which the Council is satisfied is intended to be set apart exclusively for the worship of Almighty God according to the use of the Anglican Church of Australia or a building licensed by the Bishop for such worship.

**Churchwarden:** A Confirmed Communicant selected at the Annual Meeting of Parishioners to hold office in that parish.

**Churchwarden's Book:** A book to be kept by the Churchwardens in which persons who desire to vote at any meeting of Parishioners must sign the declaration required by the Parochial Statute.

**Cleric:** A duly Ordained Bishop, priest or deacon of the Anglican Church of Australia or of any church in communion therewith authorised by the Bishop. For the purpose of interpreting “The Constitution Act” in regard to representation at the Diocesan Synod “the licensed clergy of the Diocese” shall mean any bishops, priests or deacons who hold the Bishop of Bunbury’s General Licence to officiate within the Diocese. It does not include those who have “Permission to Officiate” Licences.

**Commisary:** Appointed by the Bishop. May act for the Bishop outside the Diocese

**Communicant:** A member of the church who shall have received the Holy Communion at the very least three times within the preceding twelve months or who shall have failed to do so for reasons acceptable to the Bishop.

**Council:** The Bishop-in-Council constituted under the Diocesan Council Statute.

**Dean:** The Ordinary of the Cathedral as provided under the Cathedral Statute.

**Diocese:** The Diocese of Bunbury.



***Diocesan Auditor:*** A duly qualified person elected by Synod to audit the Diocesan Funds.

***Diocesan Registrar:*** The person appointed to register all acts and deeds in the conduct of Diocesan affairs.

***Diocesan Advocate:*** A Barrister of seven years standing appointed under the provisions of the Clergy Discipline Statute.

***Diocesan Secretary:*** The person appointed to the office after consultation with the Trustees and the Council acting together.

***Diocesan Treasurer:*** The person elected under the provisions of the Diocesan Trustees.

***Dispensation:*** Exemption from the observance of a rule, regulation or statute given by the Bishop.

***Licence:*** A document issued under the hand and seal of the Bishop, and duly registered, conveying specific authorisations.

***Locum Tenens:*** A priest appointed a deputy or substitute to fill a vacant office for a time.

***Long Service Leave:*** Leave granted under the provisions of the Long Service Statute.

***Mandate:*** A document under the hand and seal of the Bishop and duly registered, conveying specific instructions.

***Member of the Church:*** Means a baptized person who attends the public worship of this church and not a member of any other church.

***Metropolitan:*** The Bishop appointed under the provision of the Constitution of the Province. This definition shall be extended to cover “Acting Metropolitan.”

**Nomination Board:** The Body constituted by the Parochial Nomination Board Statute and charged with the election of the parish priest.

**Ordinary:** The Bishop of the Diocese.

**Parish:** A division of the Diocese which has been constituted under the provisions of the Parochial Statute.

**Parish or Parish Council:** The Body in each parish composed of confirmed communicant members of the church as constituted under the provisions of the Parochial Statute.

**Parishioner:** Any person of the full age of eighteen years and upwards, who shall have made and subscribed a declaration in the Churchwarden's Book in the following form:

“I declare that I am a Communicant bonafide member of that part of the Catholic Church which is known here and elsewhere as the Anglican Church of Australia (or of a church in Communion therewith) that I have attained the full age of eighteen years and that I am a resident of this Parish or Parish or an accustomed attendant for the three months last past at a church within its boundaries and that I am not registered in any other parish as qualified to vote.”

And continue to hold the qualifications set out therein.

**Parish Priest:** The Cleric licensed by the Bishop to an ecclesiastical district.

**Province:** The Province of Western Australia constituted under Canon of General Synod.

**Provincial Council** The Council of the Province of Western Australia constituted under the provisions of the constitution of the Province.

***Quorum:*** The smallest number of members to be present to constitute a meeting.

***Rectory:*** The residence provided by the parish for the priest.

***Area Dean:*** The priest appointed Area Dean to a particular area deanery.

***Area Deanery:*** A division or an Archdeaconry defined by the Council.

***Ruri-Decanal Chapter:*** The meeting of the Clergy licensed to work within an Area Deanery, presided over the Area Dean.

***Ruri-Decanal Conference:*** The meeting of the Clergy and such lay persons elected under the provisions of the Parochial Statute from within a particular Area Deanery, presided over by the Area Dean.

***See:*** The Diocese.

***Statute:*** A law enacted by the Synod, binding upon all members of the church in the Diocese.

***Synod:*** The Synod of the Diocese of Bunbury, constituted under the provisions of the Constitution of the Diocese.

***Trustees:*** The Bunbury Diocesan Trustees.

#### **4. Gender and Number**

With the exception of a reference in any statute to the Bishop and unless the contrary intention appears words in a statute of the Diocese importing the masculine include the feminine and words in the singular number include the plural and words in the plural number included the singular.

## **5. Repeal of a Statute**

Where a statute of the Diocese repeals or has repealed a former statute or any provision or words thereof unless the contrary intention appears such repeal shall not revive anything not in force or existing at the time at which such repeal takes effect or affects the operation of the repealed statute or alters the effect of the doing suffering or omission of anything prior to such repeal or affects any right interest title power or privilege created acquired accrued established or exercisable or any status or capacity existing prior to such repeal or affects the office of anyone appointed under the repeal statute.

## **6. Reference to Statutes as amended or repealed**

Where a statute of the Diocese refers to another enactment of the Diocese the reference, unless the contrary intention appears, is a reference to that enactment as amended. If that enactment is repealed and is replaced or re-enacted by a statute of the same name (other than the year of its enactment or amendment) and dealing with similar subject matter then the reference is a reference to that new enactment. In any reprint of the first mentioned statute the amended or new enactment shall be described by using its amended or new citation.

## **7. Glossary**

The Council may from time to time publish a glossary of terms in statutes of the Dioceses and such glossary shall be inserted in the Statute Book. The glossary' is not part of the statutes and shall not affect their interpretation and is to be inserted for convenience of reference only.

## **29. GLOSSARY**

This glossary is a compilation of all the subjects within the Diocesan Statutes, their content, and how they can be found. These references are for convenience only and may not be comprehensive.

Please note;

"Section" refers to that particular paragraph or clause of the appropriate statute. The Interpretation Statute (I) has, for the most part, no need for sections.

## **ADMINISTRATOR**

- Sec 3 Pg 3-1 Priest with most powers of the absent Bishop
- Sec 2 Pg 3-1 Appointed by the Bishop.
- Sec 4 Pg 3-2 If no appointment has been made the Senior Cleric takes the office .
- Sec 3 Pg 8-2 Does not act on the Election of a Bishop until the See is vacant.

## **ADVOCATE**

- Sec 1 Pg 1-2 Ex-officio Synod Member
- Sec 3 Pg 25-2 Is a Diocesan Trustee
- Sec 7 Pg 26-6 Manages proceedings by the Tribunal

## **ANNUAL MEETING**

- Sec 10 Pg 19-11 Of Parishioners – Detail

## **APPELLATE TRIBUNAL**

- Sec 11 Pg 26-10 Appeal Court over the Diocesan Tribunal
- Sec 11 Pg 26-10 Right of Appeal from the Diocesan Tribunal

## **ARCHDEACON**

- Sec 4 Pg 3-2 Seniority rights
- Sec 3 Pg 7-1 Is a member of Council
- Sec 8 Pg 10-3 A Cathedral Stall is Assigned
- Sec 8 Pg 10-3 Installed by the Bishop
- Sec 16 Pg 14-10 Receives leave-notices from Clergy

## **ANGLICARE COUNCIL**

- Sec 4 Pg 6-2 Objects
- Sec 3 Pg 6-1 Bishop appoint Chair and one, Synod elect three, Anglicare Council appoint 5.
- Sec 5 Pg 6-3 Meets not less than four times a year.

## **AREA DEAN**

- I Pg 28-6 Appointed to be in charge of a Area Deanery

## **AREA DEANERY**

I Pg 28-6 A ministerial subdivision of a Diocese

## **ASSESSMENTS**

Sec 3 Pg 4-1 An annual duty of Council

Sec 4 Pg 4-1 Summary of the assessment system

## **ASSISTANT BISHOP**

I A Bishop assisting the Diocesan but having no rights of succession. His appointment does not terminate on the death, resignation or translation of the Diocesan

## **ASSISTANT CLERGY**

Sec 11 Pg 14-5 Duties and Rights

Sec 5 Pg 14-2 Normally hold the Bishop's Licence

Sec 6a Pg 19-3 Those who hold the Bishop's Licence are members of the Parish Council.

## **ASSISTING CLERGY**

Sec 6 Pg 14-3 Hold a P.T.O. (q.v.)

Sec 6a Pg 19-3 Do not attend Parish Councils as Clergy

Sec 6 Pg 14-3 Do not attend Synod as Clergy

Sec 6 Pg 14-3 Are not usually remunerated.

## **AUDITOR-DIOCESE**

Sec 10 Pg 25-4 Appointed by Synod

## **AUDITOR-PARISH**

Sec 10 Pg 19-14 May not be a Parish Council member

Sec 12d Pg 19-18 Summary of duties

## **AUDITORS**

Sec 10 Pg 25-5 Trustees arrange audit before Synod

Sec 4 Pg 19-3 New Parish parishioners appoint an Auditor

Sec 10 Pg 19-14 Parishes elect an Auditor

annually  
Sec 4 Pg 7-1 Tenure of Office  
Sec 13 Pg 19-12 Local Committee Auditors  
Sec 3 & 4 Pg 5-1 Scope of Annual Diocesan Audit

### **BANK ACCOUNT NAME – PARISHES**

Sec 7h Pg 19-6 The Anglican Parish of ...."

### **BISHOP'S ABSENCE**

Sec 2-4Pg 3-1 General arrangement  
Sec 6 Pg 7-3 Special arrangement for Bishop-in-Council

### **BISHOP'S MANDATE**

I Pg 28-4 Definition - see Mandate  
Sec 10c Pg 19-12 For Special Meetings of Parishioners  
Sec 10d Pg 19-12 For Elections of Synodpersons  
Sec 4 & 7 Pg 24-1 For Synod Elections every 3rd year

### **BISHOP'S PREROGATIVE**

Sec 9 Pg 26-9 After Tribunal sentence - Mercy or  
Enforcement

### **BISHOP'S RIGHTS**

Sec 9 Pg 9-1 In all licensed places of worship

### **BOARD OF ELECTORS**

Sec 9 Pg 8-7 Archbishop and Diocesan Bishops of Western  
Australia plus the Diocesan Electors.

### **BOARD OF ENQUIRY**

Sec 6 Pg 26-5 Sits first on Faith, Ritual and Ceremony  
Sec 6 Pg 26-5 May refer its cases to the Tribunal  
Sec 6 Pg 26-5 Makes recommendation to the Bishop  
Sec 6 Pg 26-5 Chairman and 4 Synodpersons (2 Clerical and 2 Lay)

### **CANONS OF THE CATHEDRAL**

Sec 5a Pg 10-2 Four in number appointed by Bishop.



- All are members of the Cathedral Chapter.
- Sec 8 Pg 10-3 All are assigned Stalls in the Cathedral Church
- Sec 8 Pg 10-3 The Dean is installed by the Bishop and the remainder are installed by the Dean.

### **CANONS-SENIOR LAY**

- Sec 5b Pg 10-2 One appointed by the Dean and one elected by the Cathedral Parish.  
Duties as of Churchwardens.

### **CANONS - LAY**

- Sec 5b Pg 10-2 3 to 9 elected by the Cathedral Parish. Comparable to Parish Council Members. Additionally 2 may be appointed by the Dean.

### **CANONS - HONORARY LAY**

- Sec 7 Pg 10-2 Appointed by the Bishop. Must be resident within the Diocese. They are not members of the Chapter.

### **CHANCELLOR**

- I A barrister of 7 years standing.  
The Bishop appoints him as his Legal Officer
- Sec 1 Pg 1-2 Ex officio Synod Member
- Sec 3 Pg 25-2 Ex officio a Diocesan Trustee
- Sec 3 Pg 7-1b Ex officio a Member of Council

### **CHAPTER**

- Sec 5 Pg 10-1 Bishop, Dean, Precentor, Chancellor and the Canons of the Cathedral together with Parish Council.
- Sec 5 Pg 10-1 A Senior Lay Canon is equivalent to a Churchwarden and a Lay Canon to a Parish Councillor.

### **CHOIRMASTER**

- Sec 14 Pg 19-22 Priest of District appoints (optional)

### **CHILDREN & YOUTH MINISTRY COUNCIL**

- Sec 4 Pg 11-1 Aims to promote Christ-centred ministry to the young
- Sec 3 Pg 11-1 Membership: Not less than three and not

more than five other persons appointed by the Bishop,  
one who may be appointed as Chaplain  
Sec 5 Pg 11-2 Meets at least four times each year

### **CHURCH-MEMBER**

I Pg 28-4 Means a baptized person who attends the public worship of this Church and who declares that he is a member of this Church and of no Church which is not in communion with this Church. (This definition is derived from the Constitution of the Anglican Church of Australia, Section 74).

### **CHURCH OF ENGLAND**

Preamble Pg 1-1 The Church in England with which we are in Communion.

### **CHURCHWARDENS**

Sec 6 Pg 19-3 Confirmed communicants chosen by Parish and Priest

Sec 6 Pg 19-3 Communicant Parishioners over 18

Sec 7 Pg 19-5 Responsibilities

### **CHURCHWARDEN'S BOOK**

Sec 7 & 10d Pg 19-12 Parish Voters must sign this  
See "Parishioner" definition - this Statute

### **CLERGY OVER 65**

Sec 9 Pg 14-4 Hold restricted Bishop's Licence or P.T.O.

### **CLERIC**

I Pg 28-3 A general term for Bishop, Priest, or Deacon

Sec 1 Pg 1-2 In the context of Section 1 of the Constitution Act

Sec 6 Pg 14-3 This term excludes those holding P.T.O. as members of Synod.

### **CLERK IN HOLY ORDERS**

Sec 3 Pg 26-1 Legal term describing Bishop, Priest and Deacon within the Anglican Churches.

## **COMMISSARY**

- I Pg 28-3 Appointed by the Bishop
- I Pg 28-3 May act for the Bishop outside the Diocese
- Sec 8 Pg 26-8 Examines remote witnesses for the Tribunal.

## **COMMUNICANT**

- Scd Pg 1-7 Definitions are shown in the Schedule of the Constitution Act and in the 2nd Schedule of the Parochial Statute

## **CONSTITUTION**

- Sec 15 Pg 1-6 Restriction on Changes

## **CORPORATION**

- Preamble Pg 25-1 The Corporation of the Diocese is entitled "The Bunbury Diocesan Trustees"
- Preamble Pg 25-1 Under the authority of Statutes and Orders of Synod

## **COUNCIL**

- Sec 2 Pg 7-1 A Council of Advice to the Bishop.
- Sec 8 Pg 7-3 The Executive Standing Committee of Synod
- Sec 3 Pg 7-1 Membership: The Bishop, Administrator, Archdeacons, Dean, Trustees, and 2 Laypersons appointed by the Bishop, and 3 Clergy and 3 Laypersons elected for 3 years by Synod.
- Sec 6 Pg 7-3 Meets at least 4 times each year
- Sec 8 Pg 7-3 Summary of Duties and Powers
- Sec 7 Pg 7-3 Quorum: 7 members of which at least 2 shall be Clergy and 2 laypersons.
- Sec 1 Pg 1-2 Appoints extra Synodpersons to balance Synod
- Sec 3 Pg 4-1 Decides Parish Assessments annually
- Sec 3 Pg 8-2 Receives Bishop's resignation (sent concurrently to the Metropolitan of the Province)
- Sec 6 Pg 7-3 Keeps Minutes which (with the Bishop's sanction) Synodpersons may review

## **DEAN OF THE CATHEDRAL**

- 1 Pg 28-3 The Parish Priest of the Cathedral Parish of Bunbury.  
Sec 5 Pg 10-1 Is Chairman of the Cathedral Chapter

## **DECLARATIONS, CERTIFICATES & OATHS**

- Sec 3 Pg 1-3 Parish Electors  
Scd Pg 1-7 All Synod Members, all Lay persons appointed to the Bishop-in-Council, and those not members of Synod who are appointed to any Council of the Diocese
- Sec 6 Pg 25-2 Trustees  
I Pg 28-5 Parishioners (Churchwardens' Book)
- Sec 12 Pg 19-16 Declaration of interest by Parish Council member  
Scd. 1 Pg 19-27 Form of Bequest  
Scd. 2 Pg 19-28 Parochial Nominators, Lay Canons, Cathedral Chapter, Churchwardens, Members of Parish Councils and Local Committees
- Scd. 1 Pg 14-13 Oath of Canonical Obedience  
Scd. 2 Pg 14-14 Synodal Declaration by Clergy  
Scd. 3 Pg 14-15 Declaration of Assent
- Sec 8 Pg 26-8 Certificate of written evidence by Commissary  
Scd. A Pg 26-11 Form of Charge by Accusers and their Referees  
Scd. B Pg 26-11 Declaration by members of the Tribunal  
Scd. Pg 17-4 Statement of a decision by the Nomination Board
- Sec 4 Pg 8-3 Certificate by an Election Synodsman of the consent of a person nominated  
Sec 6 Pg 8-6 Declaration by members of an Election Synod

## **DIOCESAN AUDIT**

- Sec 6 Pg 14-3 To be carried out for any period of twelve months ended on June 30

## **DIOCESAN ELECTORS**

- Sec 5 Pg 8-6 2 Clergy + 2 Lay persons elected by the Election Synod

## **DIOCESAN SECRETARY**

- Sec 19 Pg 14-12 Holds the Bishop's Licence  
Sec 3 Pg 8-2 Attends to the Bishop's Election Nomination papers

## **DIOCESAN SYNOD**

Sec 1 Pg 1-2 Bishop. Licensed Clergy and Laity in the ratio 1:2

## **DIOCESAN TRIBUNAL**

Sec 3 Pg 26-1 The Court of the Bishop of the Diocese

Sec 3 Pg 26-2 Hears charges concerning breaches of Faith, Ritual, Ceremonial, Discipline and Listed Offences

Sec 3 Pg 26-1 Bishop with 2 Priests & 1 Lay person elected by Synod

Sec 3 Pg 26-2 Quorum is 100%. The Bishop may replace absentees

Sec 6 Pg 26-5 Hears on Faith, Ritual, Ceremony if the preliminary Board of Enquiry so recommends

Sec 3 Pg 26-2 Sits first on matters of Discipline and Listed offences

## **DIOCESE OF BUNBURY**

Preamble Pg 1-1 Constituted by Perth Synod on 23.11.1903.

## **DISPENSATIONS**

I Pg 28-4 Exemptions from rules, regulations or Statutes

Sec 16d Pg 19-24 In relations to the rulings of the Parochial Statute the Bishop may permit variations. These may be notified to the next Session of Synod.

## **ELECTION OF A BISHOP**

Sec 3+ Pg 8-2 Details

## **ELECTION SYNOD**

Sec 3+ Pg 8-2 Details of timing

## **ELECTION SYNOD VOTING**

Sec 4k Pg 8-5 The Candidate obtaining 2/3rds of the vote of each house shall be the Bishop Elect

## **EMOLUMENT**

Sec 14e Pg19-20 No Layperson paid by Parish eligible for Parish Council

## **FEES & CHARGES**

Sec 3 Pg 12-1 Marriages, Burials, Travel Expenses & Others

Sec 3 Pg 12-1 Regulations by Bishop-in-Council

## **JUBILEE PINE PLANTATION**

Sec 3 Pg 13-1 Committee: Bishop, 3 members of Council,  
Diocesan Secretary, Parish Priest of Manjimup & 4  
others

## **LICENSED CLERGY**

Sec 8-10 Pg 14-4 Retirements & Terminations

Sec 14 Pg 14-10 Must notify leave to Archdeacon, Area Dean and  
Churchwardens

Sec 12+Detail: Pg 14-9 Stipend, Leave, Insurance, Car.

Sec 5 Pg 23-1 Stipends assessed by Stipends Committee

## **LOCAL COMMITTEES**

Sec 13 Pg 19-19 Administrative Details

## **LOCUM TENENS**

I Pg 28-4 Clergy to fill vacant post for a time

## **LOCUM CLERGY**

Sec 4 Pg 14-2 Must hold Bishop's Licence or P.T.O.

## **MANDATE**

I Pg 28-4 Bishop's formal registered instruction

Sec 7 Pg 24-2 Notice of Election

## **METROPOLITAN**

Sec 6 Pg 20-3 The Bishop controlling the Province i.e. the  
Archbishop of Perth

## **MISSION COUNCIL**

Sec 3 Pg 15-2 Aims defined

Sec 2 Pg 15-1 Chairman appointed by the Bishop, 4 Clergy and 4  
Laity (elected by Synod)

Sec 6 Pg 15-2 Required annual returns from the Chairman of

## Annual Meetings of Parishioners.

Sec 4 Pg 15-2 Meets not less than three times in each year.

### **NOMINATION BOARD**

Sec 3 Pg 17-1 Names a Priest for a vacant Parish to the Bishop

Sec 4 Pg 17-1 1 Priest, 1 Layman (ex Synod) and 3 Laymen elected by the Parish

Sec 4 Pg 17-1 Plus Archdeacon & Area Dean (non-voting) if the Bishop requests these additions to the Board

Sec 6 Pg 17-2 All discussions confidential

Sec 6 Pg 17-2 Quorum: Bishop + 1 (ex Synod) + 2 (ex Parish)

Sec 6 Pg 17-2 May invite applications by advertising

Sec 7 Pg 17-3 Bishop may appoint after 3 consecutive Board nominations

### **ORDINATION**

Sec 2 Pg 18-1 Both men and women may be ordained as Priests

### **ORDINARY**

I Pg 29-9 The Bishop (with powers fixed by his office)

### **ORGANIST**

Sec 16d Pg 19-24 Appointment by Priest with Parish Council consent if paid

### **P.T.O. (PERMISSION TO OFFICIATE)**

Sec 6 Pg 14-3 Bishop's Permission to Officiate within the Diocese

### **P.T.O. CLERGY**

I Sec 1 Not thereby entitled to attend Synod

### **PARISH**

Sec 3 Pg 19-1 Definition

Sec 4 Pg 19-2 New Parishes

### **PARISH ANNUAL REPORTS**

Sec 9f Pg 19-10 Councillors report of proceedings for previous year

## **PASTORAL ASSISTANTS**

Sec 21 Pg 14-12 Laity who, on the recommendation of the Priest of the District and with the unanimous concurrence of the Parish Council, are licensed by the Bishop to exercise ministries

## **PARISH BOUNDARIES**

Sec 2 Pg 1-3 Defined by Synod

## **PARISH OR PARISH COUNCIL**

I The Executive Committee of a Parish

Sec 9 Pg 19-10 Responsibilities

Sec 6 Pg 19-3 Licensed Clergy, Churchwardens, 2 Synod representatives, the Mission Secretary, and 3-8 elected Laity plus not more than 2 appointees of the Priest

Sec 6 Pg 19-3 Members to be Communicant Parishioners over 18

Sec 6 Pg 19-3 No proxies

Sec 12 Pg 19-17 Quorum: 50%+ of total members including 1 Warden

## **PARISH MEETINGS**

Sec 9 Pg 19-10 Annual - Details

Sec 11 Pg 19-15 Extraordinary - Details

Sec 10a Pg 19-11 Special - by Bishop's Mandate

Sec 12a Pg 19-16 Chairman/Convenor is usually Priest of the District but the Priest may ask to nominate Lay Chairmen

## **PARISH OFFICERS**

Scd. 2 Pg 19-28 Declaration texts - see under "Declarations" p.(e)

## **PARISH PRIEST**

Sec 3 Pg 17-1 Appointment usually by Parochial Nomination Board

Sec 3 Pg 17-1 Holds Bishop's Licence if not locum tenens

## **PARISH SECRETARY**

Sec 6g Pg 19-4 Elected by Parish Council - a parishioner but need not be a Parish Council member.



## **PARISH TREASURER**

Sec 7g Pg 19-5 (See "Treasurer - Parish")

## **PARISHIONER - DEFINITION**

I Pg 28-5 Any person of the full age of 18 years and upwards who shall have made and subscribed a declarations in the Churchwardens' Book as follows: "I declare that I am a communicant member of the Anglican Church of Australia (or of a Church in Communion therewith), that I have attained the full age of 18 years and that I am a resident in this Ecclesiastical District or an accustomed attendant for the three months last past at a Church within its boundaries and that I am not registered in any other Ecclesiastical District as qualified to vote" - And continues to hold the qualifications set out therein.

## **PRECENTOR**

I Priest responsible for Cathedral choral worship  
Sec 5 Pg 10-2 A member of the Cathedral Chapter

## **PROVINCE OF WESTERN AUSTRALIA**

Sec 2 Pg 20-2 Constituted by a Canon of General Synod  
Bunbury Diocese assented to this Canon

## **PROVINCIAL COUNCIL**

P3 Sec 2 2 Clergy and 2 Lay representatives elected by Synod

## **QUORUM**

I Minimum attendance for meeting to act

## **RECTORY**

Sec 7o Pg 19-7 Residence of the Parish Priest Churchwardens responsibility

## **REGISTRAR**

Sec 1 Pg 1-2 Ex officio Synod Member  
The Registrar is commonly the Diocesan Secretary,  
and is appointed by the Bishop.

## **REPEALS**

I Sec 5 Do not affect previous decisions

## **ROLL OF MEMBERS**

Sec 14 Pg 19-22 The Priest of the District must maintain this Roll

## **RURIDECANAL**

I Adjective of Area Deanery e.g. Chapter, Conference

## **SEE**

I The Diocese, or the cathedral city or place

## **SENIORITY**

Sec 4 Pg 3-2 To exercise the Office of Administrator: Assistant Bishop, Archdeacon, Dean, Senior Canon

## **SEX-DISTINCTION**

I Sec 4 Words in a Statute importing the masculine shall unless repugnant to the sense of the Statute include the feminine and the singular shall include the plural and vice versa

## **SPECIAL MINISTRIES**

Sec 20 Pg 14-12 Hold a Bishop's Licence

## **STALLS - CATHEDRAL**

Sec 8 Pg 10-3 For Dean, Canons, Archdeacons and Chancellor

## **STIPENDS COMMITTEE**

Sec 3 Pg 23-1 Bishop with 4 elected Lay Synodpersons

Sec 5 Pg 23-1 Parochial - Assess and notify Parish Council

Sec 5 Pg 23-1 Diocesan - Assess and advise Council & Trustees

## **SUNDAY SCHOOLS**

Sec 16 Pg 19-24 Priest appoints Superintendents and Teachers

## **SYNOD**

Sec 7 Pg 1-4 Meets at least every second year

Pg 22-1 Detail for the conduct of Sessions & Sitings

- Sec 8 Pg 1-4 Quorum.
- Sec 2 Pg 22-1 President + 10 Clergy + 20 Laypersons
- Sec 10c Pg 1-5 Bishop's Assent: the Bishop may delay for 3 months  
A review process follows if dissent persists
- Sec 14 Pg 22-12 Bishop's Assent: It can be inferred from the wording of paragraph (d) that a Bishop's assent (not a non-episcopal President's assent) is needed before a Statutory Resolution is passed.
- Sec 3 Pg 24-1 Balance: the Council co-opts extra Lay Synod persons for Parishes/Parishes having extra Licensed Clergy
- Sec 3 Pg 24-1 Parish Elects: 2 Lay + 2 Alternate Lay Synod persons
- Sec 7 Pg 24-2 Notice of Election
- Sec 3 Pg 1-3 Parish Electors sign this declaration within the Churchwardens' Book.
- Sec 3 Pg 1-3 Election Candidates - Declared Communicants aged 18
- Sec 10a Pg 1-4 Votes in Synod must be taken by Orders at the request of 2 Clergy or 4 Lay persons
- Sec 12 Pg 1-6 If the See is vacant the Convenor of the (Election) Synod is the Administrator or the Senior Cleric

### **SYNOD REPRESENTATIVES**

- Sec 3 Pg 1-3 Declared Church members & Communicants aged 18
- Sec 3 Pg 1-3 Must sign the Synod Representative's Declaration
- Sec 6 Pg 8-4 At Election Synod must read and sign Declaration
- Sec 4 i Pg 22-2 At Election Synod elect Chairman of Committees
- Sec 4 b Pg 22-2 and Secretaries (1 Clerical, 1 Lay)

### **TREASURER - DIOCESAN**

- Sec 1 Pg 1-2 Ex officio Synod Member
- Sec 5 Pg 25-2 Elected from and by the Trustees

### **TREASURER - PARISH**

- Sec 7h Pg 19-6 Appointed by and responsible to the Churchwardens  
May or may not be a member of the Parish Council

## **TRUSTEES**

Preamble Pg 25-1 The Corporate Body of the Diocese

Sec 1 Pg 1-2 Ex officio Synod members

Sec 3 Pg 25-2 Membership: The Bishop, Administrator, 2 Clerical Trustees elected from Synod, The Chancellor, Advocate, and Secretary plus 3 Lay Trustees elected from Synod

Sec 7 Pg 25-3 Must sign the Trustees' Declaration on p.8

Sec 10 Pg 25-4 Duties Summary - ps. 8 & 9

Sec 11 Pg 25-5 Require a diocesan audit before Annual Synod

Sec 7i Pg 19-6 Hold Parish Trusts and Special Funds

Sec 9a Pg 25-4

## **VISITING CLERGY**

Sec 4 Pg 14-2 Hold Bishop's Licence or P.T.O.

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