

Anglican Church of Australia Diocese of Sydney

1st Session of the 49th Synod of the Diocese of Sydney

Additional Materials for Synod Members

Contents	Page
Additional Reports	
Draft Statement of Funding Principles and Priorities for 2013-2015	1
Additional Principal Legislation	
Parish Relationships Ordinance 2001	6

Draft Statement of Funding Principles and Priorities for 2013-2015

(A statement prepared for the purposes of clause 3(1) of the Synod Estimates Ordinance 1998.)

Strategic Direction

In 2009 the Synod adopted Strategic Directions for its budgeting regimes and we are still following those priorities.

We agreed together how to consider the central activities and funding that support the Diocesan Mission.

We noted that we are theologically driven. We seek to follow the lead of the Spirit of God as revealed to us in Scripture.

Second, we said we are convinced that those outside Christ are lost. The Christian has many obligations to others, but the task of sharing the word of God with every human creature takes pre-eminence.

Third, we said we believe salvation comes as the Spirit of God takes the word of God to make a child of God. We look for success only from the Spirit of God.

Fourth, God has richly blessed us and not least in the creation of a network of churches intended to cover our whole region, and a set of organisations basically united in ministry and mission.

Fifth, we are the heirs of a Reformation Anglicanism existing in a secular society strongly, but not entirely, resistant to the gospel.

Within that context we need to continue to work together to find the best way forward with reduced resources to fund and support our mission.

Background

It is recommended that we adopt a new approach to understanding our central Diocesan budgeting process. We see the need to deal with all aspects of central Diocesan expenditure and to make explicit and transparent the costs (and benefits) of being a member of the Sydney Diocese.

Previously we have used various reserves and endowments in ways that have masked some of these costs. Our financial situation has forced us to face the reality that our endowments are insufficient to cover everything that we need and want to do, but this also provides an opportunity for our two main endowments – the Diocesan Endowment and the Endowment of the See (EOS) - to contribute in a transparent and co-ordinated way and for parishes to share the real costs of being a member of the Sydney Diocese.

By taking this holistic view of our finances we are able to begin restructuring and rebuilding to facilitate growth and a stronger long term position.

The holistic model of funding in this statement is based on the following main principles –

- The adoption of 6 spending categories: Anglican essentials, Archbishop's responsibilities, network essentials, Diocesan training, high priority Mission drivers and high priority Mission support.
- All parishes should share directly in meeting the essentials of what it means to be "Anglican" – e.g. our Archbishop, the Synod, and our membership of the Anglican Church of Australia.
- The EOS should carry the costs of maintaining the team which directly supports the Archbishop.
- All parishes should pay for the basic network costs – e.g. the Secretariat, parish insurance program and PSU.
- Synod should pay for essential Mission spending – e.g. training college, mission drivers and mission support.

Over the last decade or so the realities of spending in this way has been obscured by the large appropriations from the 2 central endowments, the Diocesan Endowment and the EOS. Rather than parishes contributing to the centre, the centre has subsidised the parishes. Even discounting the effect of the GFC, we now know that too much was appropriated from these endowments over that period to sustain their long term viability.

The long term practice of the Diocese has been for considerable parish contribution to enable the whole to work. The report does not in any way take us back to the past where parishes paid assessments of over 15%, not including parish insurances which were paid in addition. It does however require an increased contribution from the parishes which reflects reality.

In establishing the Funding Principles for 2013-2015 we have identified –

- Some things are essential if we are to be an Anglican diocese – for example we must have an Archbishop, we must meet as a Synod, and we must pay our 'membership' fees as part of the wider Anglican Church. We should all be prepared to contribute toward these costs.
- Beyond those first essentials there are costs associated with being the Sydney Diocese, given our size and position in the evangelical community. Things like the support needed to enable the Archbishop to deliver effective Episcopal oversight and to be represented throughout the diocese, the administrative and accounting support needed for Synod, and the parish insurance program.

- After that, there are the things we want to do to bring the word of God to the people of our city and beyond, manifested in the priorities we established under our Diocesan Mission – the primacy of good theological training (continuing the priority given to funding under Policy 3), the emphasis on partnership in local mission, the renewed effort in church planting, the focus on youth, etc.

While we maintain our commitment to the priority of the parish in delivering front-line ministry, the centre must provide those services that individual parishes cannot.

Substantial cuts have already been made in many areas of expenditure (eg, EOS in 2010 & 2011, Synod in 2009 & 2012) and each of the individual line items proposed for funding below will be subject to further review before specific recommendations are made for the funding to be allocated in 2013-2015.

Each item of proposed expenditure has been grouped under a heading. The headings, and the italicised paragraph following, are designed to convey the nature of the expenditure and its priority. The funding principles incorporate a new allocation of Synod funds for the Mission Property Committee. While obviously insufficient of itself, this allocation recognises that one of the key drivers of the mission is the activity of church planting, and this activity will require an ongoing source of funds, particularly for new sites.

The source of funding identified for each heading reflects where the responsibility lies. However, with 3 distinct sources of funding there is always the possibility that variations will occur in the income available from one or more sources. For this reason there will need to be some flexibility built in to allow a degree of cross-subsidisation from other sources if there is an unexpected variation in the amount of income available from one particular source.

The descriptions below, and the attached worksheet, have been prepared to illustrate the principles, and to provide an example of how these principles could be implemented, based on the central funding expected to be provided for 2012 from –

- the Synod (via the Appropriations and Allocations Ordinance 2011),
- the PCR charges paid by parishes (via the Parochial Cost Recoveries Ordinance 2009), and
- the Endowment of the See budget (to be approved by the EOS Committee).

It should be noted that the worksheet is given merely for illustrative purposes and the figures in that sheet and the individual expense item lines are based on actuals for the 2012 year. They should not be taken to mean that these will be the items of expenditure recommended to Synod when the budgets for the 2013-2015 triennium are presented in future years to Synod.

It should also be noted that the concept of cross-subsidisation referred to above, if it were applied to the situation in the illustrative schedule, would be almost certainly applied to ameliorate the effect of the PCR charges by applying some of the Synod income to assist meeting what would otherwise be a PCR expenditure requirement.

Finally as has been noted one of the more exciting possibilities that the suggested principles enable is for the first time a flow of meaningful funds towards the establishing of new front line parish work by way of Synod funding to the Mission Property Committee for the acquisition of new sites and the creation of new parish plant.

Explanation of new funding categories and responsibility for funding these

1. Anglican Essentials

To be funded through PCR as part of the Parochial Network Costs. All parishes should share directly in meeting these costs because they are things that are non-negotiable – they are essential to the structure of what it means to be 'Anglican' and through that to enjoy membership of the wider Anglican Church community. (Note however, the Archbishop would have the first call on the funds available to the EOS to meet any of these expenses if, for whatever reason, Synod did not approve them being paid from PCR.)

- 1.1. Having an Archbishop (stipend, expenses, residence, car, travel & office) –
 - 1.1.1. Is essential to the operation of a diocese
 - 1.1.2. Is an essential part of the Anglican network
 - 1.1.3. Elected by Synod
 - 1.1.4. Who exercises a diocese-wide pastoral and teaching ministry
 - 1.1.5. Responsible for the appointment of all other EOS staff (although assistant bishops require Synod approval of funding)
 - 1.1.6. Responsible for licensing all parish ministry staff
- 1.2. Having a Registrar (salary, expenses & office) –
 - 1.2.1. Is essential to the operation of a diocese
 - 1.2.2. Responsible for maintaining records of all licences
 - 1.2.3. Involved in appointment of parish rectors (through the Nomination Board process)

- 1.3. Convening meetings of the Sydney Synod (the direct expenses required to hold Synod meetings & provide committee members' with car parking) –
 - 1.3.1. Is an essential part of being an Anglican network
- 1.4. Paying the General & Provincial Synod costs (membership of Anglican Church of Australia – general assessment) –
 - 1.4.1. Is an essential part of being an Anglican network
- 1.5. The Cathedral is an essential part of the Anglican network, but it is self-funding
- 1.6. Parishes are also an essential part of the Anglican network, but they are basically self-funding

2. The Archbishop's responsibilities

To be funded by the EOS because these things cover the practical necessities of maintaining a team to adequately fulfil the role of Archbishop, given the size and nature of the Sydney Diocese.

- 2.1. Assistant/Regional Bishops plus appropriate admin & office support –
 - 2.1.1. Assist in providing Episcopal oversight
 - 2.1.2. Assist with the Archbishop's representational role
 - 2.1.3. Assist with the selection/ordination/deployment of parish ministers
- 2.2. Diocesan Media Officer –
 - 2.2.1. Assists with the Archbishop's representational role
- 2.3. Registrar's admin & support –
 - 2.3.1. Assists with selection/ordination/deployment of parish ministers
- 2.4. Diocesan archives –
 - 2.4.1. Provides support for the selection/ordination/deployment of parish ministers
- 2.5. Ministry Training & Development department –
 - 2.5.1. Assists with the selection/ordination/deployment of parish ministers

3. Network Essentials

To be funded through PCR as part of the Parochial Network Costs. All parishes should share directly in meeting these costs because they are essential to maintaining a network the size and nature of the Diocese of Sydney.

- 3.1. Secretariat –
 - 3.1.1. Provides administrative and accounting services to support Synod, Standing Committee and parishes + the Archbishop and his team (the EOS)
- 3.2. Parish insurance program, etc provides cost effective –
 - 3.2.1. Insurance
 - 3.2.2. Risk management
 - 3.2.3. Safe ministry training
 - 3.2.4. Relief from PCR
 - 3.2.5. Accounting support
- 3.3. Professional Standards Unit –
 - 3.3.1. Education, training, support & counselling to address professional misconduct in parishes

4. Diocesan training college(s)

To be funded by Synod as a first priority because high quality theological training is fundamental to the development of our greatest resource, our ministers, and is considered essential to maintaining the DNA of the Sydney Diocese.

- 4.1. Moore Theological College
- 4.2. Youthworks College

5. High Priority Mission Drivers

To be funded by Synod in accordance with the high priority mission drivers it has determined, based on the recommendations of the Standing Committee and Mission Board. The priorities for 2012 were established in the Strategic Directions 2010-2012 document based on the 4 policies of the Diocesan Mission and reflect the continuing emphasis on partnership in local mission, a renewed effort in church planting, the focus on youth, in particular.

- 5.1. Youthworks – Year 13 program
- 5.2. Youthworks – children's and youth ministry + special religious education

4 Additional Materials for 2011 Synod Session

- 5.3. Evangelism Ministries and New Churches – evangelism and church planters
- 5.4. Evangelism Ministries and New Churches – ethnic, cross-cultural & multi-cultural ministries
- 5.5. Support and assistance for Mission Areas
- 5.6. Tertiary Education Ministry Oversight Committee – support for tertiary student ministry fund
- 5.7. Anglican Education Commission – advocacy on education policy, including SRE
- 5.8. Mission Property Committee – support for the purchase and development of new greenfield sites, and the refurbishment of existing brownfield sites

6. High Priority Mission Support

To be funded by Synod in accordance with the high priority mission support activities it has determined, based on the recommendations of the Standing Committee and Mission Board. The priorities for 2012 were established in the Strategic Directions 2010-2012 document based on the 4 policies of the Diocesan Mission.

- 6.1. Anglicare – research
- 6.2. Anglican Media Council – internal communication and evangelism, including website & SC
- 6.3. NSW Council of Churches – membership
- 6.4. Work Outside the Diocese Committee – support of gospel ministry outside the Diocese

For and on behalf of the Standing Committee

PETER KELL

Chairman of the Mission Board Strategy Committee

22 September 2011

Example of how the Draft Funding Principles and Priorities could be implemented, based on central funding provided in the budget for 2012

DRAFT

	Anglican Essentials	Archbishop's Responsibilities	Network Essentials	Diocesan Training College(s)	High Priority Mission Drivers	High Priority Mission Support	Total
Anglican Essentials	240						240
Archbishop	284						284
Bishopscourt	180						180
Registrar	101						101
Sydney Synod	336						336
General Synod (Aust)							
Archbishop's Responsibilities		1,923					1,923
Archbishop's team - admin/pastoral		150					150
Media Officer / communication		132					132
Archives		370					370
Network Essentials			1,109				1,109
Secretariat			3,214				3,214
Parish Insurance Program, etc - Parish Insurance Program			230				230
Parish Risk Management Program			100				100
Safe Ministry Program Training			20				20
Provision for Relief or Remission of PCR charges			11				11
Parish accounting support (SAPAS)			495				495
Professional Standards Unit							
Diocesan Training College(s)				1,577			1,577
Moore Theological College				80			80
Youthworks College							
High Priority Mission Drivers					100		100
Youthworks - Year 13					310		310
Youthworks - Childrens and Youth Ministry & SRE					290		290
Evangelism Ministries and New Churches					200		200
Mission Areas					150		150
Tertiary Education Ministry Oversight Committee					1,700		1,700
Mission Property Committee					60		60
Anglican Education Commission							
High Priority Mission Support						80	80
Anglicare - research						150	150
Anglican Media Council						14	14
NSWCC						200	200
Work Outside the Diocese						117	117
Contingencies						561	561
	1,141	2,575	5,179	1,657	2,810	561	13,923
Source of funds	1,141	2,575	5,179	1,657	2,810	561	13,923
PCR / Parochial Network Costs							6,320
EOS							2,575
Synod							5,028

Costs for Archbishop - stipend, on-costs, car, travel, expenses & SAH office
 Property maintenance, utilities, services + 2 staff salaries & on-costs
 Costs for Registrar (salary, on-costs & SAH office)
 Synod expenses (Wesley, etc \$54k + publishing \$19k + dinners \$3k = \$76k) + Car parking for committee members (\$25k)
 General Synod assessments (\$324k) + Provincial Synod costs (\$12k)

Current EOS budget - SDS fee - Archbishop - Bishopscourt - Registrar - Archives
 Estimate for Diocesan Media Officer (salary, on-costs, car & SAH office)
 EOS budget for Archives (selection/ordination/deployment of ministers plus parish records & public enquiries)
 Allocation in Synod Appropriations and Allocations Ordinance

allocation in Synod Appropriations and Allocations Ordinance for SDS fee for Synod & EOS

ACPT estimate for parish insurance program (policy premiums, broker and management fees, etc)
 SDS estimate for staff time
 PSU estimate of cost of training provided by Youthworks
 Estimate based on previous provision (although no actual relief or remission has been granted in recent years)
 Estimate based on 2011 retainer paid to consultant for support and updates
 PSU budget for education, training, investigation, support and counselling to address professional misconduct in parishes

Allocation in Synod Appropriations and Allocations Ordinance
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 Allocation in Synod Appropriations and Allocations Ordinance
 Allocation in Synod Appropriations and Allocations Ordinance
 Allocation in Synod Appropriations and Allocations Ordinance
 Proposed new funds to assist MPC to purchase & develop new sites and refurbish existing sites
 Allocation in Synod Appropriations and Allocations Ordinance

Allocation in Synod Appropriations and Allocations Ordinance
 AMC allocation (\$300k) - Diocesan Media Officer estimate above
 Annual membership
 Support of gospel ministry elsewhere in Australia and overseas
 Available to supplement Synod funded allocations

Available funds

7.6% (of \$83.1 million estimated parish Net Operating Receipts)
 998 per EOS budget for 2012 before Greenoaks proceeds of \$2,072k used to balance cash flow
 5,005 per Synod Appropriations and Allocations Ordinance 2011 of \$4,929k +
 disbursements of \$76k funded direct from Synod Fund 129 = total \$5,005k

Parish Relationships Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

The Parish Relationships Ordinance 2001 as amended by the Presbyter (Amendment of Terminology) Ordinance 2006 and the Parish Review Repeal Ordinance 2009.

Table of Provisions

Clause	
1	.....Name
2	.....Definitions
3-5	.....Direction for Licensing Review by Regional Council
6-13	.....Request for Licensing Review by a Parish
14	.....Omitted
15-21	.....Licensing Review Board
22-27	.....Report of Licensing Review Board
28-36	.....Adoption of the Report by the Parish
37	.....Omitted
38-40	.....Appeal Committee
41	.....Right of Appeal
42	.....Notice of Intention to Appeal
43	.....Lodgment of Appeal
44	.....Evidence on Appeal
45-49	.....Effect of Appeal Committee's findings
50	.....Declaration
51	.....Request to Archbishop
51A-51DConstitution of Panel, licensing review group and appeal group
52-56Incapacity of Clergy

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Preamble

A. It sometimes occurs, with or without fault, that there is a loss of confidence in the minister as an effective pastor and the life of the parish is threatened by continuous disputes indicating a breakdown of relationships.

B. It is necessary to encourage parishes to solve pastoral disputes within a parish by non-legal and non-adversarial means if possible.

C. It is necessary to adopt a more modern approach to the question as to when a minister's health problems require him to leave a parish.

D. To assist in fulfilling this aim, the Synod needs to provide the appropriate structure for parishes to have licensing reviews carried out by godly and competent people.

The Synod of the Diocese of Sydney Ordains -

Name

1. This Ordinance is the Parish Relationships Ordinance 2001.

Definitions

2. In this Ordinance –

“appeal group” means the body constituted under clause 51C.

“licensing review” means an enquiry into whether there has been a serious breakdown of pastoral relationships between the minister and a substantial number of the parishioners of a parish and to recommend appropriate action.

“licensing review group” means the body constituted under clause 51B.

“Panel” means the body constituted under clause 51A.

Direction for Licensing Review by Regional Council

3. If a regional council considers that a serious breakdown may have occurred in the pastoral relationship between the minister and a substantial number of the parishioners of a parish in its region which is impeding or is likely to impede the promotion in the parish of the whole mission of the church, the regional council may direct the parish to participate in a licensing review.

4. A regional council may not direct a licensing review unless –

- (a) the minister has served in the parish for at least 4 years from his institution, and
- (b) it has received a certificate in accordance with clause 13, and
- (c) it is satisfied that where appropriate a preliminary dispute resolution procedure (such as that outlined in the Parish Disputes Ordinance 1999) has been undertaken.

5. Notwithstanding anything in this Ordinance, a regional council may direct that a licensing review be held if it considers that the minister's physical or mental health raise grounds for concern as to his capacity to discharge his duties.

Request for Licensing Review by a Parish

6. If the majority of the wardens of any church in a parish consider that there is a substantial majority of parishioners of the view that there is a serious breakdown of pastoral of relationships between the minister and the parishioners, they may, provided that the condition specified in clause 4(a) has been met, request in writing that the minister and the wardens of the principal church in the parish convene a general meeting of parishioners to consider passing a resolution that such state of affairs exists.

7. If the minister and wardens of the principal church in the parish fail to convene the requested meeting within 14 days after the request is made, the wardens who have requested the general meeting of parishioners may convene it.

8. Notwithstanding anything in any other ordinance, the person who chairs the general meeting of parishioners referred to in clauses 6 or 7 or the meeting referred to in clause 28 or 29, is to be a person nominated by the area archdeacon. The person appointed shall not be a bishop or archdeacon and shall not be a person who has at any time been a regular communicant in the parish concerned.

9. At the general meeting of parishioners, the chairman shall, after due time for debate, put the motion "That this general meeting of parishioners considers that a state of affairs exists in this parish leading to the breakdown of relationships between the minister and the parishioners". The motion is not capable of amendment.

10. The chairman shall neither take part in the debate nor vote.

11. Voting must be by secret ballot. The chairman shall make due provision for the proper counting of the ballot papers.

12. If the chairman declares that the motion has been carried by at least 65% of the parishioners attending and voting, he or she must certify to the Panel that a substantial number of parishioners is of the view referred to in clause 6. The chairman's declaration and certification is final.

13. The chairman must send a copy of the certificate to the secretary of the regional council together with a request that a licensing review be held in accordance with the decision of the general meeting of parishioners.

14. ...

Licensing Review Board

15. A licensing review is to be conducted by a licensing review board consisting of 5 persons, namely –

- (a) a chairman appointed by the Panel,
- (b) 1 person nominated by the minister,
- (c) 1 person selected by the parish council,
- (d) 2 persons appointed by the Panel, provided
 - (i) no person who currently worships or within the previous 3 years habitually worshipped in a church in that parish shall serve on a licensing review board for a parish, and
 - (ii) at least 2 members of the board shall be in priest's orders, and
 - (iii) the regional council may select a member should the Panel, minister or parish council fail to appoint, nominate or select within 14 days of a request by the regional council to do so.

The person referred to in clause (b) need not be a member of the licensing review group, but all other members shall be members of the licensing review group at the time of their appointment to the licensing review board.

16. For the purpose of electing the person referred to in clause 15(c), the wardens of the principal church shall convene a special meeting of the parish council. The minister shall not attend the meeting. The meeting shall choose its own chairman.

17. No person who is a bishop or is or has been an archdeacon shall be a member of a board constituted under clause 15. This prohibition does not apply to a person who has not served as a territorial archdeacon or regional bishop in the region in which the relevant parish is situated.

18. The members of the licensing review board shall meet as soon as practicable after their election. The chairman appointed by the Panel shall preside at their meetings and shall be the person to whom communications to the group may be addressed.

19. A licensing review board may inform itself of the relevant facts in whatever way it considers appropriate. It shall not be bound by any legal formalities. No person is entitled to representation by counsel or solicitor or any

other person, unless the board decides that it would be unfair to that person not to grant such representation. No person has the right to cross examine any other person.

20. A licensing review board shall take all reasonable action to enable it to ascertain whether there has been a serious breakdown of pastoral relationships between the minister and a substantial number of the parishioners of a parish which necessitates action.

21. In the course of the licensing review, the licensing review board shall ensure that the views and comments of as many parishioners as possible as well as of the minister and members of the parish council are considered. The licensing review board may become apprised of such views and comments in writing or by oral report from one or more members of the licensing review board speaking with people either individually or in groups.

Report of Licensing Review Board

22. The licensing review board must, as soon as practicable after conclusion of gathering relevant material, prepare a report including a set of recommendations.

23. A licensing review board may simply report that no action be taken to disturb the then present organisation of the parish, with or without comments or suggestions.

24. A licensing review board's report may recommend any 1 or more of the following –

- (a) that specific courses of action be taken in the parish (whether or not such action is of a type specified in the succeeding paragraphs of this clause),
- (b) the minister resign his licence under this Ordinance,
- (c) that a fixed term be placed on the minister's licence,
- (d) that certain named lay members of the parish be required from a specified date to stand aside from being a warden or a member of parish council of the parish in question or from holding such other office or offices in the parish as may be specified in the report for a designated period for up to three years thereafter,
- (e) that no action be taken at present but that a further licensing review be held at a time at least two years hence.

25. Without derogating from the generality of clause 24(a), the specific courses of action may include a recommendation that particular clergy do not officiate at particular services, that particular people are not put or left in charge of particular organisations in the parish, that certain organisations be disbanded, that the parish consider amalgamation or that expert advice be taken on particular issues.

26. The report shall present the view of the majority of the members of the licensing review board. In the case of an equality of opinions, the view of the chairman shall prevail, provided always that no recommendation that the minister resign his licence shall be made unless at least 4 members of the licensing review board concur.

27. The report must be sent to the minister and each of the wardens of the principal church of the parish.

Adoption of the Report by the Parish

28. Within 21 days of receipt of the report, the minister and wardens of the principal church shall convene a general meeting of parishioners of the parish to consider and if thought fit adopt the set of recommendations in the report. The minister shall be deemed to have joined in the convening of the meeting if he is requested by the wardens in writing to join in convening the meeting and fails to do so within 3 days of such request.

29. Should the minister and wardens fail to convene such general meeting of parishioners, the same shall be convened by the area archdeacon.

30. At the said general meeting of parishioners, the chairman shall, after due time for debate put the motion: "That this general meeting of parishioners adopts the set of recommendations in the report of the Licensing Review Board". The motion is not capable of amendment. Apart from appropriate formal matters, no other business shall be transacted at such meeting.

31. The chairman shall neither take part in the debate nor vote.

32. Voting must be by secret ballot. The chairman shall make due provision for the proper counting of the ballot papers.

33. Should the chairman declare that the motion has been carried by at least 65% of the parishioners attending and voting, he or she shall certify that fact to the Archbishop. The chairman's declaration and certification shall be final.

34. Should a licensing review board make a recommendation in terms of clause 24(b) which is adopted by the general meeting of parishioners referred to above, the Archbishop shall revoke the minister's licence to take effect from the date 1 month and 1 day after the date of the general meeting of parishioners. The minister having been provided with an opportunity to show cause against the revocation of his licence under this ordinance to the Licensing Review Board, and then, if applicable, to the Appeal Committee, shall have no further right to show cause against its revocation.

35. Should a licensing review board make a recommendation in terms of clause 24(c), which is adopted by the

general meeting of parishioners referred to above, the minister shall be deemed to have surrendered his licence on the date 1 month and 1 day after the date of the final report and to have been issued with a licence on such date containing the recommended conditions.

36. Should a licensing review board make a recommendation in terms of clause 24(d), the persons named shall be deemed to have resigned their office at the date specified in the final report unless they have previously resigned. Such person shall be ineligible to hold the specified office or offices in the parish for the period specified in the recommendation calculated from the specified date or date of earlier resignation.

37. ...

Appeal Committee

38. An appeal from a recommendation of a licensing review board may be considered by an appeal committee consisting of –

- (a) the Chancellor or his or her nominee (being a judge, former judge, or a barrister or solicitor of 10 years' standing), and
- (b) a person who is a bishop or archdeacon (not being the regional bishop or archdeacon of the region in which the parish is situated) appointed by the Archbishop in council, and
- (c) 3 persons to be selected by the Panel from the appeal group of whom 1 at least must be a member of the clergy.

39. No person shall serve on an appeal committee if he or she is a member of the parish concerned or if he or she considers that a reasonable observer would conclude that he or she is so closely associated with one or more of the persons involved as to be unable to give completely impartial consideration to the appeal.

40. Should there be more than one appeal from the recommendations of a licensing review board, such appeals shall be considered by the same appeal committee either together or one after the other as the appeal committee in its discretion considers appropriate.

Right of Appeal

41. A person who considers that he or she has been detrimentally affected by a recommendation of a licensing review board adopted by a general meeting of parishioners convened under clause 28 or 29 of this Ordinance may appeal to the appeal committee.

Notice of Intention to Appeal

42. No appeal may be entertained by the appeal committee unless the appellants give written notice of intention to appeal to the regional bishop or the Diocesan Secretary no later than 1 month after the date of the said general meeting of parishioners.

Lodgment of Appeal

43. The lodgment of an appeal will operate as a stay of any effect of a recommendation up until 21 days after the appeal committee is constituted. The appeal committee may, for good and proper reasons extend such stay until the determination of the appeal.

Evidence on Appeal

44. The report of the licensing review board shall be accepted as prima facie evidence of the truth of the matters contained therein. The appeal committee shall determine any matters of fact that it considers it needs to determine in such manner as it considers appropriate without being bound by the rules of evidence.

Effect of Appeal Committee's findings

45. The appeal committee may affirm, vary or set aside, any recommendation of a licensing review board that has been appealed against and, if appropriate, substitute other recommendations and add additional recommendations.

46. The decision of the appeal committee shall be final.

47. The decision of the appeal committee shall be in writing attested by the chairman or some other member, dated and delivered to the Archbishop, each of the appellants and the secretary of the parish council of the relevant parish.

48. Where an appeal is lodged under this Ordinance, clause 34 shall operate as if the words "date of the appeal committee's decision" were substituted for the words "date of the general meeting of parishioners".

49. To the extent that the appeal committee varies, sets aside, substitutes or adds recommendations, clauses 34, 35 and 36 shall operate on the recommendations determined by the Appeal Committee as if they had been part of the licensing review board's recommendations adopted by the general meeting of parishioners.

Declaration

50. It is hereby declared that a person who ceases to hold office under this Ordinance is not removed for fault nor is his or her ability or character impugned in any way: the removal is made solely in the interests of the church.

Request to Archbishop

51. Synod requests the Archbishop to use his best endeavours to place any member of clergy who loses office under this ordinance in an office of similar status or, if that cannot be done, ensure that the parish make or contribute toward appropriate compensation.

Constitution of Panel, licensing review group and appeal group

51A. There shall be a Panel consisting of 4 persons elected at the first session of each Synod and 2 persons nominated by the Archbishop.

51B. There shall be a licensing review group consisting of 10 persons elected at the first session of each Synod of whom at least 4 must be members of the clergy and at least 4 shall be lay persons.

51C. There shall be an appeal group consisting of 10 persons elected at the first session of each Synod of whom 5 shall be clergy who are or have been incumbents and 5 shall be lay persons who are or have been wardens for a period of at least 2 years.

51D. A casual vacancy in the office of member of the Panel, member of the licensing review group or member of the appeal group arises in the circumstances prescribed in part 7 of the Schedule to the Synod Elections Ordinance 2000 and is to be filled in the manner prescribed by that part.

Incapacity of Clergy

52. A member of the clergy who has been found by any court or tribunal of competent jurisdiction to be incapable of managing his or her own affairs shall be deemed to have surrendered any licence held by him or her on the day of such finding.

53. Should the finding referred to in clause 52 be set aside by the court or tribunal or by an appeal court any licence surrendered under that section shall be restored and shall be deemed to have been restored as at the date of surrender.

54. No person shall be appointed permanently to a position vacated by the surrender of a licence under clause 52 until after the expiry of the period allowed for appeal, and, if an appeal is lodged, the determination of that appeal.

55. Should the wardens of any church have reasonable grounds to suspect that the physical or mental health of the minister is such that they consider that he is unable to fulfil his duties, they shall report same to the regional bishop with a view to action being taken under clause 5.

56. The Incapacity and Inefficiency Ordinance 1906 is repealed.

Table of Amendments

Clause 2	Amended by Ordinance No 33, 2009.
Clause 4	Amended pursuant to the Interpretation Ordinance 1985.
Clause 6	Amended pursuant to the Interpretation Ordinance 1985.
Clause 7	Amended pursuant to the Interpretation Ordinance 1985.
Clause 8	Amended pursuant to the Interpretation Ordinance 1985.
Clause 9	Amended pursuant to the Interpretation Ordinance 1985.
Clause 13	Amended pursuant to the Interpretation Ordinance 1985.
Clause 14	Amended by Ordinance No 16, 2006 and omitted by Ordinance No 33, 2009.
Clause 16	Amended pursuant to the Interpretation Ordinance 1985.
Clause 24	Amended by Ordinance No 33, 2009 and pursuant to the Interpretation Ordinance 1985.
Clause 27	Amended pursuant to the Interpretation Ordinance 1985.
Clause 28	Amended pursuant to the Interpretation Ordinance 1985.
Clause 29	Amended pursuant to the Interpretation Ordinance 1985.
Clause 30	Amended pursuant to the Interpretation Ordinance 1985.
Clause 34	Amended pursuant to the Interpretation Ordinance 1985.
Clause 35	Amended pursuant to the Interpretation Ordinance 1985.
Clause 37	Omitted by Ordinance No 33, 2009.
Clause 38	Amended by Ordinance No 33, 2009.
Clause 41	Amended pursuant to the Interpretation Ordinance 1985.
Clause 42	Amended pursuant to the Interpretation Ordinance 1985.
Clause 48	Amended pursuant to the Interpretation Ordinance 1985.
Clause 49	Amended pursuant to the Interpretation Ordinance 1985.
Clause 51A	Inserted by Ordinance No 33, 2009.
Clause 51B	Inserted by Ordinance No 33, 2009.
Clause 51C	Inserted by Ordinance No 33, 2009 and pursuant to the Interpretation Ordinance 1985.
Clause 51D	Inserted by Ordinance No 33, 2009.
Clause 55	Amended pursuant to the Interpretation Ordinance 1985.

