



# Diocese of Riverina

## Diocesan Administration Ordinance 1923

### Preamble

Whereas it is desirable to amend and consolidate the law for the administration of the Diocese:  
Be it therefore enacted by the Bishop, Clergy and laity of the Diocese of Riverina in Synod assembled as follows:-

### Repeal

1. The following ordinances are hereby repealed except in so far as they have repealed former ordinances:-

Riverina Bishopric Ordinance 1903

Electoral Ordinance 1887

Diocesan Council Constitution Ordinance 1887

Diocesan Council Constitution Ordinance Amendment Ordinance 1889

### Short Title and Sections

2. This ordinance may be cited as the "Diocesan Administration Ordinance 1926", and its sections are arranged in parts as follows:-

Part 1. – The Bishop

Part 2. – The Administrator

Part 3. – The Archdeacons

Part 4. – The Synod

Part 5. – The Council

Part 6. – The Church Office

## PART 1.

### THE BISHOP

#### Vacation of the See

3. The See of Riverina shall be deemed to be vacant whenever any Bishop shall die or shall be declared incapable of managing his/her affairs in accordance with the provisions of a Canon of the General Synod, or shall be deprived by competent authority, or shall resign the office and dignity of Bishop of Riverina by an instrument under his/her hand and seal, addressed to the Metropolitan and duly registered. Such registration shall take effect on the date mentioned in the instrument of resignation, unless before the said date the resignation be withdrawn by an instrument addressed and duly registered as aforesaid.

#### Nomination

4. Any Priest or Bishop in Communion with the Anglican Church of Australia shall be eligible for nomination for election to the office and dignity of Bishop of Riverina. The written consent of the person so nominated shall be furnished by the nominator to the Administrator at the time of nomination in Synod.

#### The Bishopric Nomination Committee

5. a. When a vacancy of the See of Riverina shall have occurred, the Administrator shall call together the Bishopric Nomination Committee forthwith convene the Synod of the Diocese, or call a special Session of Synod, for the purpose of electing an eligible person to the office and dignity of Bishop of Riverina. Four week's notice at least shall be given to members of

Synod and the period intervening between the vacancy and the beginning of the Session of Synod so convened, or called, shall not be longer than four months, but the Diocesan Council may, for urgent cause, extend this period for such further period as the Diocesan Council shall determine.

b. The Bishopric Nomination Committee shall consist of the Administrator of the Diocese together with five clerical and nine lay members of Synod who shall be elected at the first session of each Synod. There shall also be elected two clerical and two 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 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.

c. The Bishopric Nomination Committee after consideration will bring any nominations to the full Synod. Any nomination brought by the Committee will have been approved by a two thirds vote by each house of the Bishopric Nomination Committee. (At least four clergy and six laity) The Bishopric Nomination Committee will do all propriety checks (including medical health checks) of the nominee.

### **Voting and the Method of Voting**

6. (a) When the Synod shall have met, the election of a person duly qualified to fill the office of Bishop of Riverina shall proceed.
  - (b) Synod shall thereupon resolve itself into a Committee of the whole behind closed doors. The President shall announce the names as submitted with the names of the proposers and seconders and place them on a list in alphabetical order. Synod shall then receive such information as may be available concerning each and every person so nominated, including a audio/visual display; provided that should the President of Synod or any other member of Synod be nominated, he/she shall withdraw from Synod until he/she is subsequently removed from the ballot paper whereby they may be invited to participate in the remaining session of the election synod.
  - (c) (i) When Synod in Committee has decided that it is prepared to proceed to vote, the Chairman of Committees shall direct the Secretaries to prepare and distribute ballot papers, even if there is only one nomination properly received.
  - (ii) The Synod in Committee shall proceed to vote by Houses. The votes of each House shall be taken by secret ballot.
  - (iii) No person duly nominated shall be deemed to be elected unless he/she shall receive two thirds of the votes of the members of each House then present and voting.
  - (iv) In case the required majority shall not be given on the first ballot for any nominee, a second and, if necessary, further ballots shall be taken.
  - (v) If there are more than three nominations properly received, the three nominees with the most votes after the first ballot will proceed to second and subsequent ballots. Any nominee who does not gain sufficient votes to proceed to the second and subsequent ballots will not be balloted for again.
  - (vi) All ballot papers shall be destroyed at the conclusion of each ballot.
7. (a) If attempts to elect a person to the office and dignity of Bishop of Riverina prove ineffectual Synod may decide at any time to postpone the election of a Bishop to a further Session of Synod. Whereby the Bishopric Nomination Committee shall have prepared a further set of nominations for Synod and the Synod is to be called by the

Administrator in accordance with the provisions of Clause 4(a) or 4(b) of this Ordinance. In such case, any nomination already received by Synod shall be void. Nominations of eligible persons (which may include persons previously nominated) shall be made in accordance with the provisions of this Ordinance.

- (b) If no such election of a Bishop as provided for by clauses 6 and 7 of this Ordinance or no appointment of a Bishop under any delegated power and authority hereinbefore referred to shall be made within a period of twenty four months from the date of the vacancy of the See then the appointment of a Bishop shall for this occasion pass to the Primate conjointly with the Bishops of the Tri-Diocesan Covenant (Diocese of Bathurst and Canberra & Goulburn) and with consultation with the Provincial Archbishop.
- (c) If the person elected as aforesaid shall decline to accept the See the Synod shall proceed again under this Ordinance.

### **Declaration of Election**

- 8. When a two thirds majority of the votes of the members of each House then present and voting has been given for any one person nominated, the Chairman of Committees shall report that fact to the President who shall thereupon announce the name of such person to the Synod.

### **Confirmation of Election**

- 9. (a) When a person has been duly elected to the office and dignity of Bishop of Riverina as hereinbefore provided, the Administrator shall transmit the name of that person together with a certificate of his election to the Metropolitan and no publication of the election shall be made except by the Administrator and until the election has been confirmed by the Metropolitan and Diocesan Bishops of the Province of New South Wales.
- (b) The election of a fit and proper person to the office and dignity of Bishop of Riverina having been made and confirmed, the person elected shall be consecrated (if such consecration be necessary) in accordance with the Canon made by the General Synod and adopted by the Synod of this Diocese. The Administrator shall and may subject to the Canon aforesaid, take all necessary steps for giving effect thereto. The person so elected and confirmed shall take the oath of due obedience to the Metropolitan of the Province and his successors for the time being.
- (c) During deliberations of the Election Synod no member 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.

### **Enthronement**

- 10. When the election of a person to the office and dignity of Bishop of Riverina, made as hereinbefore provided, has been confirmed, and the person consecrated (if such consecration be necessary), he/she shall be enthroned by the Administrator. At some convenient time during the ceremony of enthronement the Bishop shall make a declaration that he/she accepts as binding upon himself/herself all Canons or rules made, or thereafter during his/her episcopate to be made by General Synod and accepted by the Synod of the Diocese of Riverina, all Ordinances made or thereafter during his/her episcopate to be made by the Synod of the Diocese of Riverina.

### **Completion of Appointment**

11. The appointment of a Bishop of Riverina shall be complete when all acts, matters and things hereinbefore required to be done and performed shall have been accomplished. The person so appointed shall be for all purposes the successor of the last preceding Bishop of Riverina.

### **Endowment and House**

12. The Bishop shall be entitled to the revenue of the Bishopric Endowment Funds and the use of the Bishop's Residence.

### **Powers and Prerogatives**

13. The Bishop, as Ordinary and Chief Pastor, shall be deemed to have, and may exercise within the Diocese, all and singular the powers and prerogatives which are inherent or vested in a Bishop of a Diocese of the Anglican Church of Australia, subject to the synodical ordinances of this Diocese, and such Ordinances as shall be passed from time to time by the Provincial and General Synods and accepted by this Diocese. The Bishop shall have the power to allocate all moneys received by him/her as the Bishop of Riverina for Diocesan purposes.

### **Rights with respect to Parish Churches and Meetings**

15. The Bishop shall also have the right:-
  - (a) To have free access to all churches and other buildings used for public worship or for other Church purposes in the Diocese whenever he may require the use of the same for any purpose in fulfilment of his office of Bishop.
  - (b) To attend in person or by an archdeacon as his representative, and take part in any properly constituted meeting of the parishioners of any parish, and to preside at any meeting of the parishioners or the parochial council.

### **Leave of Absence for Clergy**

16. The Bishop shall have the right to require that such provisions as he may deem sufficient shall be made for the conduct of services of the Church during the absence of the rector or Priest-in-Charge of the Parish, and to require that no such priest allow services to lapse for any Sunday without notifying the Bishop, nor be absent from his parish for any Sunday without first obtaining the permission of the Bishop.

### **Absence of the Bishop**

17. The Bishop shall not be absent from the Diocese for a period exceeding one month without notifying the Diocesan Council.

### **Incapacity of the Bishop**

- 17A. (1) Where the Bishop suffers temporary or permanent physical or mental incapacity, the Bishop may notify the Administrator, either orally or in writing, that the Bishop intends to be on sick leave by reason of the incapacity for a period specified in the notice.
- (2) Where the Bishop intends, pursuant to subsection (1) hereof, to be on sick leave for a period in excess of fourteen days, the Bishop shall furnish to the Administrator a Certificate, signed by a medical practitioner, recommending that the Bishop be on sick leave for a period specified in the Certificate.
- (3) A majority of the members of Bishop-in-Council may make a written request to the Bishop:
  - (a) to ungergo, within 15 days after receipt of the request, or such longer period as may be agreed on by the Bishop and the Administrator, such medical and/or

psychological examinations and tests by two or more medical practitioners approved by a majority of Bishop-in-Council as are specified in the request; and

- (b) To furnish to the Administrator, within 15 days after the examinations and test, or the last of them, take place, a report or reports of the state of health of the Bishop as shown by the examinations and tests.
- (4) Where a majority of the members of Bishop-in-Council are satisfied:
- (a) after receiving reports from not less than two medical practitioners concerning the state of health of the Bishop; or
  - (b) after a court of competent jurisdiction has declared the Bishop to be incapable of managing the Bishop's affairs; or
  - (c) after the Bishop has been committed to an institution under law relating to mental health; or
  - (d) after the Bishop has refused or failed to comply with a request under subsection (3) of this clause; or
  - (e) after the Bishop has been on sick leave for more than six consecutive months;
- that the Bishop is incapable, by reason of physical or mental incapacity, or administering the diocese either temporarily or permanently, the members may, by resolution agreed to by a majority of all members of Bishop-in-Council, recommend to the Metropolitan that the Metropolitan declares either that the Bishop is permanently incapable of that the Bishop is so incapable for a period specified in the resolution.
- (5) Where such a recommendation is made to the Metropolitan, the Metropolitan may, in the Metropolitan's absolute discretion, after considering the reports (if any) of the medical practitioners referred to in subsection (4) of this clause and any other reports the Metropolitan may cause to be provided and making such inquiries (if any) as the Metropolitan deems fit, declare, in writing, that the Bishop will be unfit, due to physical or mental incapacity, to administer the diocese permanently or during a period specified in the declaration. If the Metropolitan declares that the Bishop will be unfit permanently to administer the diocese, then upon such declaration being made, the see shall be deemed to be vacant.
- (6) The Metropolitan, may, after receiving such further reports and recommendations as the Metropolitan deems fit and making such further enquiries as the Metropolitan deems fit, revoke a declaration made under subsection (5) of this clause or extend the period specified in the declaration, or that period as previously extended, provided that the Metropolitan has not already made a declaration of permanent incapacity.
- (7) During the period, or extended period, specified in a declaration under subsection (5) of this clause that is in force, the Bishop shall, for all purposes, be deemed to be on sick leave due to physical or mental incapacity.

### **Official Records**

18. The Bishop shall cause to be kept the following records (which shall be the property of the Diocese):-
- (a) A register of the clergy of the Diocese
  - (b) A record of all his official acts
  - (c) A statement to be laid before each Synod and recorded in its minutes, containing the following information, viz.:- The names of all the churches which he has licensed, dedicated,

or consecrated, and of the other parochial or diocesan buildings which he has licensed or dedicated for any purpose, the numbers of persons confirmed, the names of readers and other lay ministers who have been licensed or who have ceased to be licensed, the names of candidates for Holy Orders adopted for training and of deacons and priests ordained, and the changes which have taken place among the clergy by death, removal or otherwise.

## **PART 2.**

### **THE ADMINISTRATOR**

#### **During the absence of the Bishop or a vacancy in the See**

19. The Bishop may, at his discretion by writing under his hand and seal registered in the Registry of the Diocese, appoint a clerk in holy orders to be Administrator of the Diocese. The Administrator so appointed shall administer the Diocese:-

(a) during the vacancy of the See, or

(b) at other times at the request of the Bishop, or

(c) when, owing to unforeseen circumstances, the Bishop is unable to administer (in which case the acts of the Administrator shall be subject where possible to reconsideration by the Bishop).

Until such appointment be revoked and its revocation registered as aforesaid, he shall use and exercise, do and perform from time to time all and every the authorities, powers, acts, matters, and things whatsoever which the Bishop may exercise, do or perform, except those that may not be lawfully used, exercised, done and performed by a person other than the Bishop of Riverina or in Episcopal Order. Every authority, power, act, matter, or thing so used, exercised, done, and performed by the Administrator under or by virtue of such his office, shall be as good and effectual to all intents and purposes as if the same had been used, exercised, done, or performed by the Bishop.

In the event of no Administrator having been appointed and commissioned as aforesaid, or in the event of his having been so appointed, and of his dying or becoming incapable or unwilling to act or being absent from the Diocese, the said authorities, powers, acts, matters and things shall and may be used, exercised, done, and performed by the Archdeacon senior in date of collation for the time being who shall be in the Diocese, or a priest appointed by the Administrator or Diocesan Council.

The Administrator shall not have the authority to assent to any ordinance except such as may be passed during the period between the resignation of a Bishop and the confirmation of the election of his successor.

## **PART 3.**

### **ARCHDEACONS**

20. The Synod hereby recognises and confirms the right of the Bishop to appoint and collate an archdeacon of the Diocese or an archdeacon for each of two or more districts within the Diocese, for the purpose of assisting him in the administration of the diocese and to assign, vary, or alter the boundaries and names of such districts at his discretion. It shall be the duties of the said Archdeacon or Archdeacons:

(a) To visit the parishes of his archdeaconry annually, and to inspect the registers, terriers, and inventories, and the fabrics of churches, rectories, schools, and other parochial buildings and properties, and to consult with the Churchwardens on such repairs as may be necessary, under Section 34(b) of the "Parochial Administration Ordinance 1924."

(b) To examine and report to the Bishop upon all proposals for the building, restoration or alteration of churches and other parochial buildings.

(c) To inform the Bishop of any parish needing the exercise of his episcopal ministry or authority.

(d) To represent the Bishop and the Diocese on special occasions in any parish, and to execute any particular commission entrusted to him by the Bishop.

(e) To examine, in conjunction with such examining chaplains as the Bishop may appoint, candidates for Holy Orders, and to present such candidates to the Bishop at the time of ordination.

The necessary travelling expenses of the said Archdeacon or Archdeacons may be paid from the Funds of the Diocese at the discretion of the Bishop-in-Council.

### **Duration of office**

21. A person holding office as an archdeacon shall continue in office until that person resigns in writing to the Bishop. However, the Bishop, one year or more after being enthroned, shall have power to terminate the appointment of any archdeacon. The Bishop shall also have the power to terminate the appointment of any archdeacon at any other time upon advising the Diocesan Council.

## **PART 4.**

### **THE SYNOD**

#### **Constitution**

23. The Synod shall be constituted in accordance with the Constitution Ordinance 1994. It shall consist of:
- (a) The Bishop;
  - (b) Each member of the clergy licensed to a separate cure of souls in the Diocese;
  - (c) Each Assistant Priest and Associate Priest and Deacon licensed to a parish in the Diocese;
  - (d) Certain lay representatives elected as hereinafter provided;
  - (e) The Registrar and the Chancellor of the diocese (if a Registrar and a Chancellor have been appointed) both of whom shall have the same rights, powers and privileges as other lay representatives;
  - (f) Such Member of the clergy holding distinct official positions in the Diocese as the Bishop may determine; provided that for every member of the clergy so summoned a lay person who is a resident of the diocese may be elected by the Diocesan Council as a member.
  - (g) Such laypersons as may be summoned pursuant to the provisions of clauses 22 and 23 hereof.
  - (h) Administrative assistant/s to carry out administrative duties of Synod but who may not have speaking or voting rights.

#### **Representatives**

24. Each parish shall be entitled to elect two persons as lay representatives and two supplementary representatives. They shall be adult lay communicants.

24A. The Bishop may summon four lay communicants (of whom three shall be under the age of 26 years and over the age of 18 years, elected by the Diocesan Youth Synod or Youth Conference) who shall have the same rights, powers and privileges as representative members, and if there be no such election the Bishop may at his discretion summon not more than four lay communicants, of whom three are under the age of 26 years, selected by him to represent the youth of the Diocese.

### **Election of Synodsmen**

25. A general election of Members of Synod to represent the parishes shall be held annually.

### **Mandate**

26. The mandate for a general election or any special election shall be issued by the Bishop, and shall specify the period within which the election shall be held. The Bishop may, if he think fit, extend this period. He may also direct that meetings for the election of Members of Synod shall be held in different centres in a parish.

### **Meeting of Parishioners**

27. The Rector or, in his absence, some other person appointed by the Bishop, shall call the meeting, and all adult parishioners shall have a vote in the election. Before taking part in the meeting, all such persons shall subscribe the following declaration:- "I, the undersigned A.B., do declare that I am a member of the Church of England."

### **Certificate of Election**

28. The chairman of the meeting shall sign and furnish to the Registrar a certificate giving the names, callings, and addresses of the persons elected, and the list of persons elected shall be laid on the table at the Synod. Each representative before taking part in the voting at Synod shall sign the following declaration:- "I, the undersigned A.B., do declare that I am a member of the Church of England."

### **Vacancy**

29. Upon the death, incapacity or resignation of a Member of Synod, the Bishop may issue a mandate for a special election to fill the vacancy.

### **Standing Orders**

30. The Standing Orders as passed in the year 1888 shall remain, but these may be amended at any time by a resolution of Synod. Such amendment shall have the force of an ordinance of Synod.

30A. Notwithstanding anything to the contrary in this Ordinance the clerical and lay representatives from any parish which, in the opinion of the Bishop in Council, has failed to meet its Diocesan obligations, shall not be entitled to vote in Synod provided that no such action shall be taken until after due notice be given to the Rector and Parochial Council of any Parish in default.

### **Elections in Synod**

31. All elections to any office to be filled by Synod shall take place on the first or second day of the first meeting of a new Synod.

31A. In all cases where clerical and lay representatives are to be elected, clerical representatives and lay representatives shall be elected by the Clergy and the Laity respectively voting separately.

### **Errors Not to Vitiating Proceedings**



32. No ordinance or other business of Synod shall be vitiated by reason of the non-election or non-appointment or non-summoning of any person necessary to be elected or appointed or summoned thereto, respectively, or of any informality in or respecting any such election, appointment or summoning.

### **Ordinances to be Sent to the Metropolitan**

33. Two copies of every ordinance passed by Synod shall be sent to the Metropolitan.

## **PART 5.**

### **THE COUNCIL**

#### **Composition**

34. The Diocesan Council shall consist of the following members:-

(a) Ex-officio:-

The Bishop  
The Archdeacons  
The Dean  
The Diocesan Chancellor  
The Registrar or Diocesan Secretary

(b) Nominated:-

One clerical and three lay members to be nominated by the Bishop.

(c) Elected:-

Three clerical and five lay members to be elected by the Synod.

#### **Appointment**

35. The members of the Council, other than those holding office ex-officio, shall be appointed to the first meeting of each Synod. They shall hold office until the appointment of their successors. Should a vacancy occur it may be filled up, in the case of a nominated member, by the Bishop, and in the case of an elected member, by the Council.

#### **Powers**

36. In all matters referred to the Council by the Bishop or the Synod, the decision of the Council shall be binding, but the Bishop shall have the right to veto any decision of the Council on matters initiated by other members.

#### **Functions**

37. The duties and functions of the Council in exercising its powers as aforesaid shall be:-

(a) To manage and administer the various diocesan funds.

(b) To fix the assessments payable by the parishes for the Church Management Fund, the Clergy Provident Fund, and any other purpose which Synod may from time to time determine.

(c) To fix the grants payable from diocesan funds towards the support of the clergy.

(d) With the consent of the Bishop to make any special grants for other Church purposes.

(e) To act as the Standing Committee of Synod, and to perform any acts provided for by the Ordinances Initiation Ordinance, 1923

(f) To appoint such committees as may be required, including a finance committee, which shall deal with the accounts and report to the Council.

(g) To report to the Synod at its first meeting on the abovementioned matters, and to present an audited balance sheet and accounts for the year ending 31<sup>st</sup> December.

(h) To lay on the table at Synod the minutes of its proceedings.

### **Meetings and Quorum**

38. The Council shall meet every quarter and at other times at the discretion of the Bishop, who shall preside. A quorum shall consist of not less than half the number of the members of the Council plus one.

## **PART 6.**

### **THE CHURCH OFFICE**

#### **Office**

39. A suitable building shall be appointed by the Council, and shall be registered as the Church Office for use as a registry and for other administrative purposes.

#### **Registrar**

40. The Bishop shall appoint a registrar, whose salary shall be determined by the Council, and paid from the Church Management Fund. He shall be a communicant of the Church of England.

#### **Duties**

41. The duties of the registrar shall be as follows:-

(a) To issue all licenses, faculties, and other official documents granted by the Bishop, to keep a record of the same, and to collect the fees in respect thereof.

(b) To keep a terrier of all lands and property belonging to the Church in the Diocese, and to act as custodian of all deeds held by the Bishop.

(c) To be responsible for the proper and methodical keeping of all accounts under the control of Synod.

(d) To act as secretary to the Diocesan Council and the Corporate Trustees.

(e) To administer and keep a register of all insurances on Church Property in the Diocese.

(f) Subject to the direction of the Bishop, to make all arrangements for and prepare the business of Synod.

(g) To collect any parochial returns ordered by the Synod or the Bishop.

(h) And generally to discharge and carry out all such work as shall properly attach to his office.

#### **Church Management Fund**

42. The Church Management Fund shall be chargeable with the administrative expenses of the Church Office, the Synod, the Diocesan Council, and such other expenses as the Council shall from time to time determine. The following fees, charges, allowances, and assessments

are hereby authorised:-

(a) The charges made for administering funds as provided in the Riverina Diocesan Trust Amendment Ordinance 2008.

(b) A management allowance of up to 10 per cent on the revenue of the Riverina Church Fund, and up to 5 per cent on that of any other fund administered by the office, provided that no income or funds whatever be subjected to a charge twice.

(c) An assessment to be charged by the Diocesan Council on the parishes, to be calculated in a manner resolved by the Diocesan Council.