

**GRAFTON DIOCESAN GOVERNANCE ORDINANCE 2008**  
**AMENDING (BISHOP) ORDINANCE 2013**  
Ordinance No. 1 of 2013

An Ordinance to amend the Grafton Diocesan Governance Ordinance 2008 relating to the office of Bishop of the Diocese.

**PREAMBLE**

WHEREAS presently the office of Bishop of the Diocese of Grafton is contained within Chapter 5 of the Grafton Diocesan Governance Ordinance 2008 AND WHEREAS it is desirable to have the Ordinance amended in respect of the retirement age of the Bishop THEREFORE the Bishop-in-Council of the Diocese of Grafton decrees and enacts as follows:

**AMENDMENT**

1. The words "sixty fifth" in clause 12.1 are deleted and replaced with the words "sixty-eighth".
2. The words "sixty-five" in clause 12.2 are deleted and replaced with the words "sixty-eight".
3. All the words in clause 11.3 are deleted and replaced with the words:-  

"Annual leave should be taken within the year following its accrual and in no case shall it accrue to a balance exceeding 56 days without the express approval of Bishop-in-Council".
4. This Ordinance may be cited as The Grafton Diocesan Governance Ordinance 2008 Amending (Bishop) Ordinance 2013
5. This Ordinance shall come into effect upon receiving the assent of the Bishop.

**ASSENT**

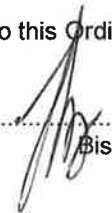
I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
.....  
Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 27<sup>th</sup> day of June, 2013.

  
.....  
Registrar

I assent to this Ordinance.

  
.....  
Bishop.

## CHAPTER 5 – BISHOP

### 7. Mission and Ministry

- 7.1 The Bishop's Mission and Ministry as Ordinary and Chief Pastor of the Diocese includes–
- a. spiritual and episcopal leadership, oversight and vision;
  - b. leading in a way that is personal, collegial and communal;
  - c. supporting the initiatives of Synod and Bishop-in-Council; and
  - d. consulting and acting cooperatively with Synod and Bishop-in-Council on matters temporal.
- 7.2 The Bishop's exercise of authority and responsibility is guided by the traditional rights, roles and responsibilities of an Anglican Diocesan Bishop, as set out in the Ordinal, and is subject to the laws of the Church
- 7.3 The Bishop shall exercise episcopal authority and responsibility in matters spiritual concerning Ordinations, Confirmation, Dispensations, Licensing and similar and related matters and may take counsel of any type on such matters. In matters temporal the Bishop shall exercise episcopal authority and responsibility only after due and appropriate consultation, in particular with senior clergy and lay leaders or, where this Ordinance so requires, with the relevant Diocesan body and in accordance with the relevant procedures.
- 7.4 The Bishop, in the role of Ordinary and Chief Pastor of the Diocese–
- a. is pastor to the clergy;
  - b. is responsible for the spiritual and ministry directions of the Diocese;
  - c. approves or licenses all ministers, ministries and places of worship within the Diocese;
  - d. is responsible for the Church work within a Parish or other Ministry Unit during any vacancy in the office of Rector, Priest-in-Charge or Chaplain;
  - e. has full and free access to all places used for public Anglican worship in the Diocese;
  - f. is entitled to attend all general meetings of members of Ministry Units; and
  - g. may convene general meetings of members of Ministry Units.
- 7.5 The Bishop, in the role of President and Chair of Synod, Chair of Bishop-in-Council and The Corporate Trustees of the Diocese of Grafton is responsible for providing leadership in the work of the Diocese.

### 8. Prerogative Powers of the Bishop

- 8.1 Without limiting the generality of the foregoing the Bishop shall have the powers as are hereinafter mentioned:-
- a. the Ordination of clergy as provided for by the rites, traditions, practices and the Safe Ministry Policy of the Anglican Church of Australia;
  - b. the granting and revoking of licences to Clergy to officiate in the Diocese subject to any Ordinances regulating the same;
  - c. the exercise of all such powers of an Ordinary as are created or instituted either expressly or by implication by the provisions of the Book of Common Prayer and by forms of service agreed to by General Synod and authorised by Synod for use in this Diocese and the power to put forth or sanction additional services and to adapt the services in the said book and forms of service and to direct or sanction the use of additional prayers; provided that such additional services or prayers shall be

subject to such limitations as may be imposed by General Synod or other lawful authority and shall not affect the doctrinal teaching or value of the services contained in the said book and forms of service, and provided always that in case any manner of question or dispute shall arise touching the nature of such doctrinal teaching contained in such adaptation or additional service an appeal shall lie to the tribunals established under the Constitution of the Diocese and under the Constitution of the Anglican Church of Australia;

- d. the approval of plans for the erection of Churches and other buildings used for the purpose of public worship to be erected on any site vested in The Corporate Trustees of the Diocese of Grafton or in any other person or persons upon trust for the benefit of the Anglican Church of Australia; and
- e. the granting of permission or the issue of Faculties for alterations in or additions to or the rebuilding or enlargement of any Church or other building used for the purpose of public worship erected on any site so vested as aforesaid; and for the installation of furniture, display screens, data projection units and furnishings, musical instruments, public address systems or other means of amplification and emission of sound for the purpose of or in connection with public worship therein.

## 9. Resignation and Election

The procedures for the resignation and election of a Bishop are set out in Chapter 6.

## 10. Consecration and Installation

- 10.1 Where following election the Bishop-elect is not a Bishop and the election has been confirmed, the Bishop-elect must be Consecrated in accordance with the Consecration of Bishops Canon 1966 of General Synod.
- 10.2 The Administrator of the Diocese is responsible for taking the steps required to effect the Consecration of the Bishop-elect.
- 10.3 When the Bishop-elect has been Consecrated (if Consecration is necessary), the Bishop-elect is Installed in the Cathedral.
- 10.4 The Installation is carried out by the Administrator of the Diocese.
- 10.5 The Bishop-elect must make the Declaration set out in clause 38.1 of this Ordinance.
- 10.6 The Bishop-elect, having been duly Installed in accordance with this clause, becomes for all purposes the Bishop of the Diocese of Grafton and successor to the last preceding Bishop of the Diocese of Grafton.
- 10.7 If the Administrator of the Diocese is the Bishop-elect, the duties of the Administrator under this section are to be carried out by the next most senior member of the clergy as set out in 20:5 and this appointment remains in place until a meeting of the Bishop in Council is able to appoint an Administrator who is a licensed and active Priest or Bishop from within or from outside the Diocese.

## 11. Conditions of Service

- 11.1 The Grafton property consisting of the residence and grounds known as Bishopsholme shall be the official residence of the Bishop of the Diocese of Grafton unless a resolution of Synod or Bishop-in-Council shall determine otherwise. Bishopsholme shall be managed and maintained by The Corporate Trustees of the Diocese of Grafton and the Diocese shall provide, from the Grafton Bishopric Endowment Fund, to The Corporate Trustees such sum or sums of money as may from time to time be required to pay rates and taxes thereon and the costs of all maintenance and repairs to the property.
- 11.2 The Bishop is entitled to annual leave for a total of 28 days in each calendar year, including four Sundays, and sick leave for a total of 14 days in each calendar year, including two Sundays. This sick leave may accumulate to 28 days.
- 11.3 Annual leave should be taken within the year following its accrual and in no case shall it accrue to a balance exceeding 56 days without the express approval of Bishop-in-Council.
- 11.4 Other conditions of service of the Bishop, including stipend and allowances, are as determined by Bishop-in-Council meeting without the Bishop.

12. Tenure and Review (Amending Ordinance 2011)

- 12.1 The appointment of the Bishop of the Diocese of Grafton shall be for a period of ten years or until the Bishop's sixty-eighth birthday, whichever shall come first, and for such extended period or periods, not exceeding three years, as may be determined from time to time by the Bishop's Tenure Review Committee as constituted under clause 12.2 of this Ordinance provided that in no event shall the tenure of the Bishop extend beyond the Bishop attaining the age of 70 years.
- 12.2 A Bishop's Tenure Review Committee shall be constituted as follows:
- a. The Metropolitan of the Province of New South Wales or the Metropolitan's nominee. This nominee must be in Episcopal Orders;
  - b. A person nominated by the Bishop of Grafton; and
  - c. One cleric and one lay person elected by the First Session of the Synod of the Diocese held immediately prior to either the Bishop reaching sixty-eight years of age or the tenth year of the Bishop's tenure and then at each subsequent first session of the Synod.
- 12.3 The Metropolitan or his or her nominee shall be the Chair of the Bishop's Tenure Review Committee and shall have both a deliberative and a casting vote.
- 12.4 Subject to clause 12.1 during the first six months of the last year of any period of the tenure of the Bishop, including any extension, the Bishop's Tenure Review Committee shall meet to determine whether the tenure shall be extended by a further period not exceeding three years.
- 12.5 The Bishop (or the Bishop's representative) may appear before and make submissions to the Bishop's Tenure Review Committee before any determination is made but neither the Bishop, nor the Bishop's representative, shall be present at the time the determination is made.
- 12.6 The Bishop's Tenure Review Committee shall have the authority, on behalf of Synod, to extend the tenure of the Bishop by a further period not exceeding three years and not exceeding the Bishop's 70th birthday.

13. Removal from Office
- 13.1 The Bishop may be removed from office only in accordance with the Anglican Church of Australia Constitution and the Canons of General Synod.
- 13.2 Procedures relating to the removal of the Bishop from office for incapacity are provided by the Bishop (Incapacity) Canon 1995 of General Synod.
1. Absence
- 14.1 The Bishop must not be absent from the Diocese for a period of more than three months without the consent of Bishop-in-Council.
15. Bishopric Endowment Fund
- 15.1 The income of the See of Grafton shall be the income from investment of the trust fund held by The Corporate Trustees and known as the Grafton Bishopric Endowment Fund (the Fund). The Bishop's reasonable costs of office, Diocesan administration relating to the Bishop, salary, superannuation, allowances, travel, entertainment and similar costs as agreed by Bishop-in-Council from time to time will be paid from the Fund. The Fund will be held and administered by The Corporate Trustees and declared to be Church Trust Property. The Fund may be merged and managed with other trust funds. Should in any year the gross receipts from the Fund be insufficient to fund the recurrent costs of the See of Grafton, the shortfall shall be met from the budget of the Diocese of Grafton.
16. Chair of Bishop-in-Council
- 16.1 The Bishop shall be the Chair of Bishop-in-Council.
- 16.2 In the absence of the Bishop from Bishop-in-Council otherwise than in the circumstances set out below, the Commissary shall preside and if the Commissary shall not be present, the next most senior member of the clergy shall be Chair for that meeting only.
- 16.3 During
- a. a vacancy in the office of Bishop;
  - b. the absence from the Diocese of the Bishop for a period exceeding thirty days; or
  - c. the incapacity of the Bishop arising from illness or any cause other than absence as aforesaid,
- the Administrator shall preside at Bishop-in-Council and if the Administrator shall not be present the next most senior member of the clergy shall be Chair for that meeting only.
- 16.4 If the Chair be other than the Bishop or the Administrator, the decisions of the Council shall not take effect without the consent of the Bishop or the Administrator.
- 16.5 The Bishop's dealings with property and major financial matters of the Diocese are to be in accordance with clause 53 of this Ordinance.
17. Records to be Kept
- 17.1 The Bishop must keep, or cause to be kept, the following records-
- a. a register of the clergy of the Diocese; and
  - b. a record of all the Bishop's official acts.

- 17.2 The register of the clergy of the Diocese must contain, in respect of each clergyperson –
- a. the dates of ordination as deacon and (if relevant) priest or (if relevant) consecration as Bishop and the name of the ordaining Bishop or consecrating Bishops;
  - b. the name of the university or college or institution attended by the clergyperson and the title and date of each degree, diploma or certificate (if any) awarded to the clergyperson;
  - c. the appointments held by the clergyperson;
  - d. the record of the transfer of the clergyperson from any other diocese;
  - e. the date on which the clergyperson entered the Diocese; and
  - f. the date on which the clergyperson transferred to another Diocese.
- 17.3 The records kept by the Bishop in accordance with this section are the property of the Diocese.

#### 18. Report to Synod

- 18.1 The Bishop must cause to be laid before each ordinary annual session of Synod a statement containing the following information in respect of the period since the previous ordinary annual session of the Synod-
- a. the names of the churches which the Bishop has licensed, dedicated or consecrated;
  - b. a list of the other Parish or Diocesan buildings which the Bishop has licensed or dedicated for any purpose;
  - c. the numbers of persons confirmed;
  - d. the names of Licensed Lay Ministers who have been licensed or who have ceased to be licensed;
  - e. the names of candidates for Holy Orders accepted for training;
  - f. the names of the Deacons and Priests ordained or Bishop's consecrated; and
  - g. the changes that have taken place among the clergy by death, change of appointment, departure from the Diocese or otherwise.
- 18.2 The statement referred to in sub-clause 18.1 must be recorded in the minutes of the Synod by the Synod Secretaries.

#### 19. Commissary

- 19.1 The Bishop may by writing, registered in the Registry Office, appoint a person named therein being a Priest, licensed and active in the Diocese, to be the Bishop's Commissary. The Bishop may in like manner revoke the appointment. The office of Commissary shall become vacant upon the Commissary ceasing to be a Priest licensed in the Diocese.
- 19.2 During the absence from New South Wales of the Bishop, the Commissary may exercise all the powers and functions and do and make all things referred to in the Anglican Church of Australia Trust Property Act 1917, or such of them as shall be referred to in such appointment, as the case may be, in place of the Bishop.

#### 20. Administrator

- 20.1 During:
- a. a vacancy in the office of Bishop;
  - b. the absence from the Diocese of the Bishop for a period exceeding thirty days; or

- c. the incapacity of the Bishop arising from illness or any cause other than absence as aforesaid,  
the Commissary shall be the Administrator of the Diocese and shall administer the affairs of the Diocese and shall exercise the authorities, powers, rights and duties conferred or imposed upon the Bishop.
- 20.2 Where there is no Commissary, or the Commissary is not willing or able to act as Administrator, then the next most senior member of the clergy licensed, active and resident within the Diocese, such being defined in clause 20.5, but excluding the Commissary, able and willing to act, shall be Administrator and shall administer the affairs of the Diocese and shall exercise the authorities, powers, rights and duties conferred or imposed upon the Bishop. This appointment remains in place until a meeting of the Bishop in Council is able to appoint an Administrator who is a licensed and active Priest or Bishop from within or from outside the Diocese.
- 20.3 During a period of vacancy in the office of Bishop, the Administrator for the time being shall be entitled in addition to his or her ordinary salary or stipend to an amount from the Bishopric Endowment Fund to take the Administrator's salary to the amount which would have been payable to the Bishop should a Bishop have been in place.
- 20.4 During any incapacity of the Bishop arising from illness or any cause other than absence as aforesaid or during a vacancy in the office of Bishop, the Administrator may exercise all the powers and functions and do and make all the things referred to in the Anglican Church of Australia Trust Property Act 1917 in place of the Bishop.



- 20.5 For the purpose of this Ordinance the next most senior member of the clergy shall be:
- a. the Commissary;
  - b. the Diocesan Archdeacon;
  - c. the Dean of the Cathedral;
  - d. the other Archdeacons, if any, by order of their years in Holy Orders;
  - e. the Clerical Canons of the Cathedral by order of their years in Holy Orders;
  - f. all other active Priests licensed in the Diocese by order of their years in Holy Orders.

21. Chancellor

21.1 A Chancellor of the Diocese, may be appointed by the Bishop pursuant to the Chancellors Canon 2001 Adopting Ordinance 2002.

21.2 The Chancellor shall be the principal confidential adviser to the Bishop of the Diocese in legal and related matters.

21.3 Subject to the Chancellor's overriding duty to the Bishop, the Chancellor may provide advice to the Synod and other agencies of the Diocese.

22. Diocesan Advocate

22.1 A Diocesan Advocate, who must be a qualified and practising lawyer, may be appointed by the Bishop in consultation with Bishop-in-Council.

22.2 The Diocesan Advocate shall be the principal legal adviser to the Diocese and Registrar and undertake or advise on the legal work of the Diocese and its agencies.

22.3 All conveyances and other legal work needed by Parishes and other agencies shall normally be undertaken by the Diocesan Advocate or an appropriate solicitor.