

CLERICAL MINISTRY ORDINANCE 2009

AN ORDINANCE to provide for the appointment, care, support and guidance of the Bishop and clergy within the Diocese of Newcastle.

BE IT THEREFORE Ordained and Ruled by the Bishop Clergy and Laity of the Diocese of Newcastle in Synod assembled as follows:

PART 1 – PRELIMINARY

Short Title

1. This Ordinance may be cited as the *Clerical Ministry Ordinance 2009*.

Repeal

2. The following Ordinances are repealed:
 - (a) *The Appointment of Clergy to Parishes Ordinance 2006*;
 - (b) *Retirement Age Ordinance 1997*;
 - (c) *Long Service Leave Provisions Ordinance 1968*;
 - (d) *Sickness and Accident Benefits Fund Ordinance 1995*;
 - (e) *Clergy Superannuation Ordinance 1981*; and
 - (f) *Bishop Election Ordinance 1995*
3. The following sections of the *Parish Administration Ordinance* are repealed:
 - (a) sections 19 – 22 relating to the absence of clerks; and
 - (b) sections 23 – 27 relating to the licences of clerks.
4. Sections 6(2), 7, 8, 9, 11 and 12 of the *Cathedral Ordinance* are repealed.
5. The Assistant Bishops’ Canon, 1966 is hereby excluded in accordance with the provisions of section 30 of the Constitution.

Definitions

6. In this Ordinance, unless there is something in the subject or context which is inconsistent:

Constitution Act	means the Constitutions set out in the <i>Anglican Church of Australia Constitution Act 1902</i> .
Constitution	means the Constitution of the Anglican Church of Australia.
Administrator	means the person appointed by the Bishop or, in the absence of such appointment, the Diocesan Council, to administer the

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	Diocese during a vacancy in the See or the incapacity of the Bishop.
Approved Supervisor	means a person with qualifications in counselling, psychology or social work approved by the Bishop, which may include members of this Diocese to provide professional supervision to officeholders in the Diocese of Newcastle.
Bishop	means the Bishop of the Diocese and includes the Bishop's Commissary in the absence of the Bishop.
Bishop of the Diocese	means the Bishop and does not mean the Commissary or Administrator.
Canonical Fitness	means, as regards a person, that the person: <ul style="list-style-type: none"> (a) has attained at least 30 years of age; and (b) has been baptised; and (c) is in priests' orders.
Church	means the Anglican Church of Australia.
Commissary	means the person appointed by the Bishop to exercise the powers vested in the Bishop during the Bishop's absence from the Province.
Constitutions	means collectively the <i>Constitution Act</i> and the Constitution.
Dean	means the Dean of the Cathedral.
Deploying Body	means the Parish Council in the case of parochial clergy, the Cathedral Chapter in the case of the Dean and Cathedral clergy and such other body as the Bishop determines for other officeholders.
Diocesan Chief Executive	means the person appointed to manage the business of the Diocese.
Diocesan School	means an Anglican school which is a member of the Newcastle Anglican Schools Corporation.
Diocese	means the Diocese of Newcastle.
Diocesan Work Health Safety Policies	means the Work Health Safety Policies of the Diocese established in accordance with the <i>Administration of Parishes Ordinance 2010</i> .
Holy Orders	means the offices of bishop, priest or deacon.
Initial Ministry Education	means any education or training required of a deacon or priest prior to ordination and in the five years immediately following ordination as a deacon or priest.
Incumbent	means the Rector or Priest in Charge of a parish.

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Medical Panel	means a list of legally qualified medical practitioners approved by the Diocesan Council for the purposes of sections 196 and 197 of this Ordinance.
Medical Panel	means a list of legally qualified medical practitioners approved by the Diocesan Council for the purposes of Sections 196 and 197 of this Ordinance.
Metropolitan	means the Archbishop of Sydney or in his or her absence or incapacity or of the vacancy of the Metropolitan See, the senior Bishop of the Dioceses of the Province present in the Province and able and willing to act, seniority being seniority of consecration.
Ministry Days	means the days each week the member of the clergy is expected to be available for ministry excluding rest days but not excluding public holidays or days in lieu of public holidays.
Ministry Extension Board	means the Board established in accordance with Part 15 of this Ordinance.
Ministry Issues Review Panel	means the panel established in accordance with part 16 of this Ordinance.
Ministry Issues Procedure	means the procedures established in accordance with part 16 of this Ordinance.
Ministry Leader	means the authority determined in accordance with Part 8 of this Ordinance.
Professional Supervisor	means formal relationship by an officeholder with an approved supervisor which aims to provide a safe emotional space of accountability and support for the officeholder to discuss and reflect on their professional ministry-related concerns.
Officeholder	means a person in Holy Orders holding an office recognised under section 7 of this Ordinance.
Pension Age	has the meaning prescribed in s23 of the Social Security Act 1991 (Cth).
Province	means the Province of New South Wales.
Superannuation Fund	means any superannuation fund approved by the Diocesan Chief Executive which meets the requirements of the relevant Commonwealth Legislation relating to superannuation funds currently in force.
Writing	includes facsimile transmission or communication by email or such other electronic communication approved by the Bishop.

PART 2 – OPERATIVE PART

Clerical Offices of the Diocese

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7. The following positions constitute an office for the purpose of this Ordinance:
- (a) an assistant bishop;
 - (b) an archdeacon;
 - (c) the Dean of Newcastle and Rector of the Cathedral Church;
 - (d) a Canon of the Cathedral Church;
 - (e) the Incumbent of a Parish or a parochial unit whether appointed as Rector or Priest in Charge;
 - (f) an Assistant Curate;
 - (g) a Chaplain where the Chaplain is in Holy Orders;
 - (h) a deacon or priest in local ministry; and
 - (i) such other offices as determined by the Bishop.

Statement of Particulars of Offices

8. Where the Bishop offers an office to a person the letter of offer shall include a written statement of the particulars of the office. The statement must contain the following particulars:
- (a) the body which is to be treated, for the purpose of this Ordinance as the Deploying Body in any tribunal or proceeding;
 - (b) the title of the office to which the officeholder has been appointed;
 - (c) whether the officeholder is entitled to a stipend and, if so, the amount of the stipend or the method of calculating it;
 - (d) the person or body responsible for the payment of the stipend if not the Deploying Body;
 - (e) the intervals at which any stipend is payable (that is, weekly, monthly or other specified intervals);
 - (f) whether the officeholder is entitled to receive parochial fees and the relationship, if any, of the receipt of such fees to any stipend;
 - (g) any terms and conditions relating to the reimbursement of expenses incurred in connection with the exercise of the office;
 - (h) whether the office is full-time or part-time and, in the case of a part-time appointment any terms and conditions relating to hours of ministry (including any terms and conditions relating to normal ministering hours);
 - (i) any terms and conditions relating to any of the following:
 - (i) entitlement to rest periods and holidays;
 - (ii) incapacity for ministry due to sickness or injury, including any provision for sick pay;
 - (iii) superannuation;
 - (iv) where the officeholder is required, for the better performance of his or her duties, to occupy any particular residence, details of the address of the property concerned, the person or body to whom or which it belongs, the terms of occupation and any contents to be provided by the

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Deploying Body; and

- (v) the length of notice which the officeholder is required to give and, if applicable, receive to terminate the appointment, and where the appointment is not intended to be permanent, the circumstances in which it may be terminated or, if it is for a fixed term, the date when it is to end.

Vacancy in an Office

9. An Office becomes vacant if the holder:

- (a) dies;
- (b) resigns his or her office by giving two months-notice in writing addressed to the Bishop stating:

I Clerk in Holy Orders, holding the office of in the Diocese of Newcastle do hereby surrender that office effective on the day of and do by such action surrender unto you all the rights and privileges asking that you will accept this my resignation and that I be discharged from the said office from that date.

Signed and dated

- (c) surrenders to the Bishop his or her licence to minister in the office;
 - (d) is deposed from Holy Orders;
 - (e) has his or her licence revoked in accordance with an Ordinance of Synod;
 - (f) receives a determination that his or her ministry is to conclude in accordance with Part 15 of this Ordinance;
 - (g) becomes subject to a recommendation under Section 195 of this Ordinance;
 - (h) in the case of an person appointed in accordance with Part 10 of this Ordinance, is given two months notice in writing by the Bishop either by the Bishop's own act or at the request of the Ministry Leader that the office is to be vacated; or
 - (i) in the case of person permitted to officiate upon receiving notice in writing by the Bishop that such permission is withdrawn.
10. If the licence of an officeholder is terminated by resignation, revocation, or other cause in accordance with the provisions of any ordinance of the Synod that officeholder shall by such termination forfeit and be absolutely deprived of all and singular rights, privileges, emoluments and advantages in or respecting that office together with the church, church house, land and appurtenances held by that person by virtue of holding the licence.

Licences

11. The Bishop may issue licences under his hand and seal to any person in Holy Orders to exercise ministry within the Diocese in such form as the Bishop may from time to time determine.

Licence Conditions

12. The Bishop may determine conditions not inconsistent with this Ordinance which may be included in any licence or permissions to officiate.

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13. Diocesan Work Health and Safety Policies shall be construed as a condition included in any licence or permission to officiate whenever granted.
14. Where before the commencement of this Ordinance a licence has been offered to a person in Holy Orders subject to conditions and where such offer has been accepted by the person, the conditions, upon which the licence was offered, are deemed to be incorporated as conditions of the licence.
15. A person who has been granted the licence of the Bishop must comply with any conditions to which the licence is subject.
16. The conditions to which a licence is subject must be understood to be part of the ministerial duty of a licence holder.

Permission to Officiate

17. The Bishop may permit any person in Holy Orders to exercise ministry in the Diocese subject to conditions or without conditions.
18. Where before the commencement of this Ordinance a permission to officiate has been offered to a person in Holy Orders subject to conditions and where such offer has been accepted by the person, the conditions, upon which the permission was offered, are deemed to be incorporated as conditions of that permission.
19. A person who has been given permission to officiate by the Bishop must comply with any conditions to which that permission is subject.
20. The conditions to which a permission to officiate is subject must be understood to be part of the ministerial duty of a person to whom that permission is given.

Requirements prior to the granting of any license or permission

21. Before any person in holy orders is licensed or granted permission to officiate in the Diocese he or she must:
 - (a) lodge the following documents with the Diocesan Chief Executive:
 - (i) nomination by the:
 - (a) Bishop where the person in holy orders desires to receive a licence to a separate cure of souls or to receive a general licence or to be granted permission to officiate, or
 - (b) Rector or Priest in Charge of the parish if such person desires to be licensed as an assistant clerk in that parish;
 - (ii) letters of orders;
 - (iii) if not a person in holy orders currently licensed or permitted to officiate in the Diocese, letters testimonial signed by two priests and countersigned by the Bishop of the Diocese in which the applicant was last previously licensed;
 - (iv) the Oath of Canonical obedience to the Bishop;
 - (v) declaration of assent to the Thirty-Nine Articles of Religion in the Book of Common Prayer;
 - (vi) submission to the authority of Synod in the following form:

I,, do declare my submission to the authority of the Synod of the Diocese of Newcastle in the State of New South Wales, and

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I do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitutions of the Province of New South Wales and of this Diocese and by the Canons, Statutes, Ordinances and Rules (however described) from time to time of the Synod of this Diocese and of the General Synod and the Provincial Synod which have force in the Diocese, and I hereby undertake in consideration of my being appointed to any office in the diocese immediately to resign my appointment, together with all rights or emoluments pertaining thereto, if such resignation is required by the Bishop of Newcastle, acting under the provisions or any rule or ordinance of the Synod of the Diocese of Newcastle.

- (b) demonstrate that he or she is suitable for ministering with children and vulnerable people by satisfactorily completing all screening requirements required by the Bishop and by law in the State of New South Wales.

PART 3 - APPLICATION OF THIS ORDINANCE

Ordinance Administration

22. Parts 1 - 3 and Parts 11 – 20 apply to all officeholders in the Diocese except that any section of the Ordinance only applies to the Bishop of the Diocese if the Bishop of the Diocese is specifically mentioned;
23. Part 4 of this Ordinance applies to the election of the Bishop of the Diocese;
24. Part 5 of this Ordinance applies to the resignation and retirement of the Bishop;
25. Part 6 of this Ordinance applies to the appointment of an Assistant Bishop;
26. Part 7 of this Ordinance applies to the election of the Dean;
27. Part 8 of this Ordinance applies to the appointment of Archdeacons, Canons and Diocesan clergy;
28. Part 9 of this Ordinance applies to the appointment of an Incumbent of a parish;
29. Part 10 of this Ordinance applies to the appointment of Associate Clergy, Assistant Clergy, Chaplains and Deacons or Priests in Local Ministry; and
30. No person in Holy Orders is eligible for appointment to any office after reaching the Pension Age unless he or she is appointed for a fixed term in accordance with Part 15 of this Ordinance.

PART 4 - ELECTION OF THE BISHOP OF THE DIOCESE

Overriding Purpose

31. The overriding purposes of this Part are:
- (a) that the Synod of the Diocese, following due consultation and inquiry may, without unreasonable delay, proceed to elect a person to be the Bishop of Newcastle by a ballot supported by at least a two thirds majority in each House; and
- (b) to provide procedures for the Synod when it is unable to elect a person by the required majority.

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32. The Synod, the Administrator, the Bishop Nomination Board and others with responsibilities under this part shall each seek to give effect to the overriding purposes when exercising any power or responsibility bestowed on them by this Ordinance.

Vacancy in the See

33. The office of Bishop of the Diocese shall become vacant on the day the Bishop:
- (a) dies;
 - (b) specifies in a letter of resignation to the Dean which the Dean shall then communicate to the Metropolitan and the Diocesan Chief Executive;
 - (c) is deposed from Holy Orders;
 - (d) is declared incapable in accordance with any Canon of General Synod having force in this Diocese;
 - (e) is removed from office in accordance with the Constitution or any Canon of General Synod having force in this Diocese, or any other Ordinance having force in this diocese; and
 - (f) attains the Pension Age in accordance with Part 5.

Bishop Nomination Board

34. There is established a Bishop Nomination Board.
35. In this section 35:
- (a) Board means the Bishop Nomination Board;
 - (b) Administrator means the Administrator if the See is vacant, but where the See is not vacant it means the person appointed to administer the Diocese in the event of a vacancy in the See; and
 - (c) if no person has been appointed it shall mean the most senior member of clergy in active ministry in the Diocese in order of precedence.
36. The Board shall comprise six members of the House of Clergy of Synod and six members of the House of Laity of Synod.
37. The Board must be appointed in the following manner:
- (a) at the first session of every Synod, or at the Synod following, the Bishop Nomination Board being deemed unable to elect according to section 88d, the members of Synod will elect by secret ballot:
 - (i) six clergy members of Synod; and
 - (ii) six lay members of Synod;
 - (b) should there be insufficient nominations for members of a House the Diocesan Council shall appoint persons from that House so that each House shall be represented by the required number including reserves; and
 - (c) after the reserves have been exhausted, subsequent casual vacancies shall be appointed by the Diocesan Council.
38. Any clerical member of the Board or clerical reserve whose name, with the consent of that member, is considered for nomination as Bishop, shall immediately withdraw

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from the Board, and their place shall be filled by the next clerical reserve. They shall be deemed to have resigned for the life of the Board.

39. Any member of the Board who has a direct conflict of interest, including being an immediate family member of a nominee, shall immediately withdraw from the Board, and their place be filled by the next reserve of that House. They shall be deemed to have resigned for the life of the Board.
40. Any member of the Board who may reasonably be considered to have any other conflict of interest shall immediately withdraw from the Board, and their place be filled by the next reserve of that House. They shall be deemed to have resigned for the life of the Board.
41. Where there is otherwise an incidental conflict of interest which cannot be resolved the Chancellor shall be asked to make a determination and that determination shall be final.
42. Once the Bishop Nomination Board has been formally convened, that Board shall remain in place until the installation of the Bishop of Newcastle, or if according to section 90d it has been deemed unable to elect.
43. Within twenty eight days of the See becoming vacant the Administrator shall summon a meeting of the Bishop Nomination Board.
44. At this initial meeting of the Board:
 - (a) the Board shall elect from its members a Chair and a Deputy Chair, and will determine the procedures and processes by which it will exercise its functions, duties and powers as provided for in this Ordinance;
 - (b) if the Chair of the Board resigns, the Deputy shall become the Chair, and new Deputy Chair shall be elected by the Board from amongst its members; and
 - (c) all members will sign a Diocesan confidentiality agreement and any member not present will be required to sign before attending a subsequent meeting.
45. All considerations by the Bishop Nomination Board will be undertaken confidentially. No member may divulge:
 - (a) the proceedings of the Bishop Nomination Board without the agreement of the Board;
 - (b) any information about persons other than the nominees to the Synod, and this only upon the release of the nomination list to the Synod;
 - (c) any information about the nominees to the Synod other than as permitted by this Ordinance; and
 - (d) any material contained in the confidential report obtained under section 53f without the permission of the nominee.
46. The Board may direct the Chair or Deputy Chair to consult with the Administrator and other persons.
47. The Administrator or a person appointed by the Administrator may seek to consult with the Board at any time. Where the Administrator is not a member of the Board, the Chair of the Board shall report progress to the Administrator on a fortnightly basis.
48. The Chair shall call meetings of the Board.

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49. Any five members may, in writing, require the Chair to call a meeting of the Board.
50. The quorum for any meeting of the Board shall be half the members of each House plus one member of either House.
51. Decisions will be made by simple majority of those present (except in the case of the Board meeting to elect a Bishop under section 90c), the Chair having a casting vote.
52. The Board shall:
- (a) undertake consultations as to the desired qualities of the person to be elected as the Bishop provided that the timing of the consultations shall be agreed by the Bishop if the See is not vacant, or the Administrator or a person appointed by the Administrator;
 - (b) appoint a suitably qualified person to be the medical advisor to the Board who shall assist the Board in obtaining and evaluating the health assessment of nominees; and
 - (c) appoint other suitably qualified persons as the Board may determine to act as consultants or resource persons. These persons shall assist the Board without being members of the Board.
53. The Board shall:
- (a) determine, subject to this Ordinance, the procedures to be followed at the Election Synod in consultation with the President of the Synod;
 - (b) obtain from the nominees such information as the Board determines will assist the Board and the Synod in the process of electing a Bishop;
 - (c) obtain from the nominee the screening information as would be required from a member of the clergy seeking licence in the Diocese;
 - (d) undertake reference checks as would be required for a member of the clergy seeking licence in the Diocese;
 - (e) satisfy itself, through appropriately qualified advisors (including the medical advisor), and on behalf of the Synod, that the nominee is suited for the ministry of Bishop of Newcastle;
 - (f) obtain from the Professional Standards Committee a report on other due diligence checks as the Board determines may be appropriate for those being considered as nominees for the position of Bishop of Newcastle, ensuring that all nominees are afforded a due process of responding to negative observations;
 - (g) nominate to the Election Synod up to four names for election as the Bishop;
 - (h) decide when and how it releases information about those nominees whose names will be forwarded to the Election Synod;
 - (i) report to the Election Synod on its work, including information on the background, experience, qualifications and other relevant information on each nominee who is being presented to the Synod;
 - (j) communicate to all those who have consented to being nominated their progress in this discernment; and
 - (k) consider all matters relating to immigration and visas for any person who is not an Australian citizen or permanent resident of Australia.

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54. Prior to any name coming before the Election Synod the Chair shall:
- (a) ascertain whether the nominee has any negative findings recorded in the National Register or by a Professional Standards Board or Tribunal or equivalent in any Diocese in which the person has been licensed;
 - (b) ascertain that the nominee can demonstrate that he or she has all necessary Safe Ministry requirements for ministering with children and vulnerable people and would be able to satisfactorily complete all screening processes required of clergy in the Diocese and by law in the State of New South Wales;
 - (c) receive from the medical advisor a certificate of fitness of the nominee to undertake the ministry of the Bishop of Newcastle;
 - (d) request the Metropolitan to certify the canonical fitness of the nominee; and then report to the Board.
55. The Board shall undertake such other functions as may be required of it in accordance with this Ordinance.

Consultation

56. The Administrator with the concurrence of the Diocesan Council shall determine a consultation period in relation to any vacancy in the See.
57. The Administrator, or the person next in ecclesiastical rank in the Diocese where no Administrator has been appointed, may summons a meeting of the Bishop Nomination Board and may initiate a consultation period no earlier than 32 six (6) months prior to the date the office of the Bishop of Newcastle becomes vacant where that date is known due to retirement or resignation.
58. The Administrator shall ensure the preparation of a Diocesan Profile to be provided to the Synod and any nominee.

The Diocesan Profile shall include:

- (a) an outline of the ministries of the Diocese;
 - (b) an outline of the governance of the Diocese;
 - (c) a risk profile for the Diocese;
 - (d) the stipend and other emoluments of the Bishop;
 - (e) relevant financial information about the Diocese;
 - (f) history of the Diocese;
 - (g) demographics of the Diocese; and
 - (h) such other material as the Board determines.
59. The Board shall conduct consultations as outlined in section 52a and prepare a Ministry Profile containing the selection criteria for Bishop, and a report of the consultations. The Ministry Profile will be made available to the Synod and any nominee.

Nominations

60. Within 14 days of the Consultation Period having concluded the Administrator shall call for nominations of a person to be elected Bishop provided that:
- (a) the nominee is a person who is canonically fit (as defined herein);

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- (b) the nomination is in writing in a form approved by the Diocesan Chief Executive;
 - (c) the nomination is signed by a member of Synod who may nominate only one person; and
 - (d) the nomination is delivered to the Diocesan Chief Executive by 5:00pm Australian Eastern Standard Time (AEST) on the closing date for nominations, which shall be determined by the Administrator, and shall be not less than twenty-one (21) days after the call for nominations.
61. Upon receiving a nomination, the Diocesan Chief Executive shall write to the nominee seeking:
- (a) consent in writing of that person to their nomination; and
 - (b) informing them that consents close at 5:00pm Australian Eastern Standard Time (AEST) 14 days after the request for consent.
- This consent includes agreement to undertake such assessments as may be determined by the Board.
62. Where consent in writing is not received from a nominee by the closing date for consents, it shall be deemed that the nominee has declined that nomination.
63. The Diocesan Chief Executive shall within five days of the final closing date for consents forward to the Chair of the Bishop Nomination Board:
- (a) an alphabetical list of the nominees who have accepted nomination;
 - (b) the Diocesan Chief Executive shall advise the Administrator that the requirements of clause 64 (a) have been fulfilled;
 - (c) an alphabetical list of nominations received where the nominee has not consented to his or her nomination or has withdrawn their consent; and
 - (d) an alphabetical list of the nominations received where the nominee has not responded.
64. When the Chair of the Board has received the list of nominees as referred to in Section 64 the Chair shall convene a meeting within seven days and table that list at the meeting of the Board when convened.
65. The Bishop Nomination Board as a whole may make nominations at any time prior to the names of nominees being forwarded to the Synod members under section 71. The Board nominations may include any person who has previously been nominated. Such nominations shall be included by a simple majority decision, and be processed in the same manner as all other nominations, except that consents shall be given in a time frame determined by the Board.
66. A nominee who has consented to be considered as Bishop of the See may subsequently withdraw their name by notifying the Diocesan Chief Executive in writing at any time.
67. Any nominee whose name the Board decides to place before the Synod shall first have consented in writing to now standing for election.

Election Synod

68. The Administrator shall convene an Election Synod, on advice from the Board, to consider the nominations of the Board, and for the purpose of electing a Bishop. The

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date and place of the Election Synod shall be fixed by the Administrator, after consultation with the Diocesan Council and the Bishop Nomination Board.

69. The Administrator shall issue the summons by giving not less than 30 days notice in writing to each member of Synod of:
- (a) the date and time of the Election Synod;
 - (b) the venue for the Synod Eucharist; and
 - (c) the venue for the assembly of the Election Synod.
70. The Synod Roll shall be declared by the Diocesan Council at a meeting of this Council, held not less than seven weeks before the Election Synod.

Discernment of Candidates

71. The Diocesan Chief Executive shall, subject to Section 54 and no later than 10 days prior to the Election Synod, forward to each member of the Synod the list of nominees provided by the Board together with such material as has been approved by the Board.
72. No nominee whose name is being brought to the Synod shall participate in the Synod Eucharist or any of the proceedings of the Election Synod.
73. The President of the Election Synod shall be the Administrator unless the Administrator is a nominee. Where the Administrator is a nominee, or otherwise unable to preside, the President of the Synod shall be
- (a) the Commissary to the Administrator;
 - (b) Where no Commissary to the Administrator has been appointed or the Commissary to the Administrator is also a nominee or the Commissary to the Administrator is otherwise unable to preside, then the President of the Synod shall be determined by the Diocesan Council at a special meeting chaired by the Chancellor.
74. The President shall be entitled to a deliberative but not a casting vote during the Synod.
75. The Election Synod shall commence with a Eucharist, at which the President of the Synod shall preside.
76. Following the Synod Eucharist, the Synod shall assemble at the specified venue when
- (a) The President shall deliver a charge; and
 - (b) The President shall read an alphabetical list of nominees, and advise the Synod of the names of any nominee who has withdrawn his or her consent since the list was circulated to members of Synod.
77. The business of the Election Synod shall be strictly confidential.
78. The Standing Orders of the Synod shall apply to an Election Synod except where suspended by the provisions of this Ordinance.
79. The Synod may decide its own procedures, provided they are consistent with this Ordinance.
80. At any time the President may ask the Synod if it wishes to engage in further discussion or prayer prior to a ballot being called. The President may determine the duration of such discussion.

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81. The Synod shall appoint such officers, including a Returning Officer, as may be required to assist with the running of the Synod who shall be known as the Designated Officers. Persons with a conflict of interest and members of the Bishop Nomination Board shall not be eligible to be appointed.
82. The Bishop Nomination Board shall make presentations about each of the nominees in a manner the Board shall determine. These presentations shall be fair, balanced and impartial, and shall be equal in manner.
83. The presentations shall be followed by a process for Synod members to discuss the nominees, the process being determined by the Board.
84. At an appropriate time the President or a member of the Bishop Nomination Board shall move that the Synod proceed to an election. This motion must be passed by a simple majority in both Houses for the election to proceed.

Voting

85. The Election shall proceed in this way:
 - (a) the Synod will be called to prayer;
 - (b) the President shall ensure that the procedures for the election are clearly explained to the Synod;
 - (c) the Returning Officer shall order the doors closed;
 - (d) the Returning Officer shall authorise the circulation of a ballot paper for the House of Clergy and a ballot paper for the House of Laity comprising an alphabetical list of nominees;
 - (e) where the ballot paper contains 32 four nominees then voting by the optional preferential system shall take place, with Members of Synod numbering each nominee for whom they wish to vote in their order of preference. Following this process the two nominees with the highest number of total votes in both Houses combined remain in the election. Where there is an additional candidate who has received at least a two-thirds majority in one house of votes remaining in the count then one further vote shall be taken between these three nominees by returning to Section 86;
 - (f) in the case of any dispute the Chancellor shall decide and the Chancellor's decision shall be final.
86. When the ballot paper contains two nominees, Members of Synod shall vote in Houses for their preferred candidate by simple majority.
87. The nominee receiving the highest number of combined votes from both Houses will be deemed the preferred nominee. In the event of a tied vote the vote shall be recommitted. The President shall report the outcome to the Synod.

The Election of the Bishop of Newcastle

88. Where a preferred nominee is identified, or when there is only one nominee, the President shall call for a ballot on the question that this nominee be elected the Bishop of Newcastle. The ballot shall be conducted in this way:
 - (a) The Synod will be called to prayer;
 - (b) The Returning Officer shall order the doors closed;

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- (c) The Returning Officer shall authorise the circulation of a ballot paper for the House of Clergy and a ballot paper for the House of Laity comprising the name of the preferred nominee; and
 - (d) If at least two thirds of the number of total votes cast in each House vote in the affirmative, then that nominee shall be declared the Bishop-elect.
89. If the preferred nominee attains at least a two thirds majority in one House and a simple majority in the other House, then the President of the Synod may, on one occasion only, ask the Synod if they wish to recommit the vote. If a simple majority of both Houses assent to this then the vote shall take place in accordance with Section 87.
90. If no person has been declared elected in accordance with sections 88 and 89:
- (a) the President shall submit the question to Synod 'Does the Synod wish to meet again for the purpose of electing a Bishop;
 - (b) if the question is answered in the affirmative, then the Synod shall adjourn and the process of nomination and election shall recommence provided that any person who has previously been nominated may be re-nominated;
 - (c) if the question is not answered in the majority the Synod shall be deemed to have been unable to elect and it shall be the responsibility of the Bishop Nomination Board to elect a Bishop for the Diocese. The Board shall be required to elect with at least two thirds majority in each House of the whole number of the Board; and
 - (d) if the Bishop Nomination Board fails to elect a Bishop within six months of the most recent Election Synod it shall report to the Administrator who shall refer the election to the Primate who, together with a majority of the Metropolitans, shall elect the Bishop.
91. When a nominee is duly elected by the Synod, or the Bishop Nomination Board, or the Metropolitans:
- (a) The President of the Synod shall advise the nominee that he or she has been elected. Where the election has taken place according to section 90c or 90d then the Administrator shall so advise the nominee;
 - (b) The nominee shall within 14 days accept in writing the office of Bishop;
 - (c) Where a person fails to notify acceptance within this time period he or she shall be deemed to have declined the office;
 - (d) Where a person has been duly elected Bishop and has accepted the office:
 - (i) the President of Synod shall forward a certificate of that person's election to the Metropolitan;
 - (ii) The Metropolitan shall inform the Bishops of the Province of the election; and
 - (iii) The Metropolitan shall where the duly elected person is not a Bishop fulfil the requirements of the Provincial Ordinance for the *Confirmation of Bishops' Elections (NSW) 1965*;
 - (e) Any objection or question touching the canonical fitness of the person elected shall be submitted to the Metropolitan prior to commissioning and installation.

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92. If an election be declared void or a person elected:
- (a) declines office; or
 - (b) dies; or
 - (c) is deposed from Holy Orders; or
 - (d) is declared incapable in accordance with any Canon of General Synod having force in this Diocese; or
 - (e) is unable to satisfy Australian Visa conditions within a reasonable time frame, as determined by the Board;

then the nomination and election process shall recommence at section 60, provided that any person who has previously been nominated may be re-nominated, and noting at Section 42 that the current Board shall continue to be the Bishop Nomination Board.

93. Once the Bishop-elect has accepted the office of Bishop of Newcastle in writing:
- (a) where that person is not a Bishop in this Church, the Administrator or person appointed by the Administrator shall arrange with the Metropolitan for the Bishop-elect to be ordained and consecrated;
 - (b) at such time if the Bishop-elect is a Bishop in this Church, the Administrator or person appointed by the Administrator shall arrange for the Bishop-elect to be 32 placed into the Episcopal Seat of the Bishop of Newcastle in the Cathedral Church of the Diocese;
 - (c) every Bishop-elect shall either before consecration or if already consecrated before being 32 placed into the Episcopal Seat of the Bishop of Newcastle sign and subscribe the following declaration:

'I, chosen Bishop of the Church and See of Newcastle do promise that I will teach and maintain the doctrine and discipline of the Anglican Church of Australia as acknowledged and received by the Synod of the Diocese of Newcastle, and I do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitutions of the Province of New South Wales and of this Diocese and by the Canons, Statutes, Ordinances and Rules (however described) from time to time of the Synod of this Diocese and of the General Synod and the Provincial Synod which have force in this Diocese; and in consideration of being appointed Bishop of the said church and See of Newcastle I do hereby undertake immediately to resign the said appointment with all rights and emoluments appertaining thereto if sentence requiring such resignation should at any time be passed upon me after due examination had by the Tribunal acknowledged by the said Synod for the trial of a Bishop saving all rights of appeal allowed by the said Synod.'

- (d) the Bishop-elect shall become the Bishop of Newcastle with all rights and responsibilities associated with that office upon being 32 placed into the Episcopal Seat of the Bishop of Newcastle in the Cathedral Church of the Diocese.

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PART 5 - RETIREMENT AND RESIGNATION OF THE BISHOP OF THE DIOCESE

94. The Bishop of the Diocese intending to resign the Bishopric of Newcastle shall tender his resignation in writing to the Metropolitan to take effect at a date to be therein named and a copy thereof shall be given to the Administrator of the Diocese.
- 95.
- (a) Upon the Bishop reaching Pension Age:
 - (i) the Chancellor shall consult with the Primate about the inherent health requirements relating to the office of Bishop of Newcastle;
 - (ii) the Chancellor shall obtain from the Episcopal Standards Director a record of any findings against the Bishop by a Special Tribunal, a Diocesan Tribunal, an Episcopal Standards Board or a Professional Standards Board;
 - (iii) the Chancellor shall obtain a copy of the Bishop's Ministry Development Review for the preceding three years and a copy of the record of professional supervision completed by the Bishop;
 - (iv) The Chancellor shall convene the Bishop Nomination Board;
 - (v) The Bishop must undergo a medical examination by a medical practitioner chosen by the Bishop from the Medical Panel.
 - (b) At the meeting of the Bishop Nomination Board:
 - (i) The Chancellor shall convey any advice of the Primate in relation to the inherent health requirements relating to the office of the Bishop of Newcastle;
 - (ii) the Board shall consider:
 - (a) the inherent health requirements of the office the Bishop of Newcastle as advised by the Primate;
 - (b) the report of the medical examination obtained in accordance with clause 95(a)(iii);
 - (c) the information obtained by the Chancellor in accordance with clause 95(a); and
 - (d) any submission from the Bishop;
 - (iii) the Board shall then determine whether to recommend the continuation of the incumbent Bishop's episcopate;
 - (iv) should the Bishop Nomination Board form the view that the Bishop is no longer able to fulfil the functions of his or her office, the Chancellor shall convey that view to the Primate, together with a copy of any information on which the Board has relied;
 - (c) The meeting of the Bishop Nomination Board shall be chaired by the Chancellor of the Diocese (as defined by clause 73)
 - (d) Following the meeting convened by the Bishop Nomination Board in accordance with clause 95(b), the Primate shall be notified in writing of any recommendation of the Bishop Nomination Board;
 - (e) If the Bishop Nomination Board recommends that the incumbent Bishop's term of office should continue and the Primate accepts this recommendation, the Primate shall notify the incumbent Bishop accordingly and the process set out in clauses 95(1) and (2) shall be repeated again two years from the date of the Primate's notification under this clause;
 - (f) If the Bishop Nomination Board recommends that the Bishop's term of office should not continue, and the Primate concurs with this recommendation, the Primate shall notify the Bishop in writing that his or her term of office will expire

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on a specified date being not less than 13 weeks and not more than 26 weeks from the date the Primate notifies the Bishop; and

- (g) In making any decision for the purposes of this clause 95, the Primate:
- (i) is under no obligation to follow a recommendation of the Bishop Nomination Board that the Bishop's term of office should not continue;
 - (ii) must follow a recommendation of the Bishop Nomination Board that the Bishop's term of office continue; and
- the Primate must notify the Bishop of any such decision in writing.

PART 6 - ASSISTANT BISHOP

96. The Synod may from time to time create the office of assistant bishop and may create more than one such office.
97. The appointment of an assistant bishop shall be made by the Bishop with the concurrence of the Diocesan Council. The power of the Bishop in this section shall be exercised by the Bishop of the Diocese and not the Commissary or Administrator.
98. Before making any such appointment the Bishop shall notify the Primate of his or her intention of making the appointment and inform the Primate of the stipend provided for the occupant of the office.
99. No appointment shall be made until the Primate has informed the Bishop in writing that the Metropolitans or a majority of them are satisfied that a sufficient stipend has been provided for the occupant of the office.
100. No priest appointed to the office of assistant bishop shall be consecrated unless his or her appointment as to canonical fitness has been confirmed as prescribed by ordinance of the provincial synod or if there be no such ordinance his or her appointment as to canonical fitness has been confirmed by the Primate and one or more metropolitans.
101. An assistant bishop shall be licensed by the Bishop and shall undertake such work and perform such episcopal acts as may be required or permitted by the Bishop.
102. An assistant bishop shall continue in office notwithstanding a vacancy in the see.
103. No assistant bishop shall be appointed with a right of succession to the see.

PART 7 - THE DEAN

Chapter to elect the Dean

104. The appointment of the Dean will occur in the following manner:
- (a) the Dean shall be elected by the Chapter;
 - (b) the Bishop will within six months of a vacancy in the office Dean summon the Chapter;
 - (c) the Bishop must chair the meeting of the Chapter if in attendance
 - (d) the Bishop may appoint a member of the Chapter to preside in the Bishop's absence;
 - (e) the Chapter may discuss the needs of the Cathedral and persons suitable for appointment;
 - (f) the Bishop shall nominate and have the casting vote;

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- (g) the Chapter shall vote to accept or reject the nomination made by the Bishop; and
 - (h) any resolution of the Chapter is to be recorded in the minutes of the meeting.
105. If the person nominated by the Bishop is accepted by the Chapter, the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the nominated person inviting that person to be the Dean and requesting a response in writing within a period not exceeding 21 days.
106. A person who fails to respond in writing within 21 days is deemed to have declined the invitation.
107. If the Chapter is unable to elect, the Bishop may submit a second nomination to the Chapter. Where a second meeting of the Chapter called to elect a Dean fails to make such election, the Bishop may submit a third nomination to the Chapter. If a third meeting of the Chapter called to elect a Dean fails to make such election, the right to elect a Dean shall vest solely in the Bishop.
108. If the nomination of the Bishop is not accepted, the person declines the invitation or fails to satisfy any due diligence or other checks then the Bishop may call a further meeting of the Chapter within 30 days.
109. The procedure to be adopted by a further meetings of the Chapter called to elect a Dean is as set out in sections 104 to 106 of this Ordinance.

PART 8 – THE APPOINTMENT OF ARCHDEACONS, CANONS AND DIOCESAN CLERGY

Archdeacons

110. The Bishop may appoint a suitably qualified person in Holy Orders as an Archdeacon on such terms and conditions as the Bishop determines.

Diocesan Clergy

111. The Bishop may appoint a suitably qualified person in Holy Orders to fill a Diocesan Office on such terms and conditions as the Bishop determines.

Honorary Canons

112. Where the office of Canon becomes vacant because the occupant of the Stall dies, resigns or ceases to hold a licence within the Diocese, the Canonry shall be filled by a member of the clergy who has been in Holy Orders for at least five years and in the following manner:
- (a) the first vacancy shall be elected by Synod;
 - (b) the next vacancy shall be appointed by the Bishop; and
 - (c) subsequent vacancies shall be appointed or elected alternately.
113. An election by the Synod shall be made in the following manner:
- (a) on the first day of each ordinary session of each Synod the President shall declare the number of elective Canonries which shall then be vacant; or
 - (b) on a day named by the President the Synod shall elect by ballot in

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accordance with the procedure of the Standing Orders of Synod so many clergy qualified to be Canons as shall be required to fill the Canonries which shall have been declared vacant.

114. It shall be the right of the Dean to install the Canons.

PART 9 –INCUMBENCY APPOINTMENTS

Appointment Board

115. There is established an Incumbency Appointment Board.

116. In this Part, Board means the Incumbency Appointment Board acting with respect to an appointment.

117. The Board must comprise Diocesan Representatives appointed in accordance with section 118 and Parish Representatives appointed in accordance with section 119.

Diocesan Representatives

118. The Diocesan Representatives are appointed in the following manner:

- (a) at the first session of every Synod the members of Synod will elect by secret ballot:
 - (i) six clergy who are members of Synod and have been in holy orders for at least five years at the date of the election; and
 - (ii) six lay persons who are members of Synod;
- (b) all of whom may be the Diocesan representatives on any Board;
- (c) the members elected pursuant to sub-section (a) remain in office until the beginning of the first session of the following Synod unless that position is declared vacant by the Bishop in accordance with sub-section (c);
- (d) a position may be declared vacant by the Bishop if an elected member leaves the Diocese, dies, resigns, is incapacitated or becomes ineligible to be a member of Synod;
- (e) upon any such declaration by the Bishop then the Diocesan Secretary must within one month report the matter to Diocesan Council which must appoint a new member or members for the remainder of the term of the Synod from the current Synod roll;
- (f) members who, immediately prior to the commencement of this Ordinance, were Diocesan Representatives to the Appointment Board established under the *Appointment of Clergy to Parishes Ordinance 2006* will continue to be Diocesan Representatives as if elected under this Ordinance until the time at which they would otherwise have ceased to be Diocesan Representatives; and
- (g) on any occasion when a Board is to meet two clergy members and one lay member must be chosen on a rotational basis by the Bishop from the panel of Diocesan representatives to be the Diocesan representative on the Board.

Parish Representatives

119. The Parish representatives are appointed in the following manner:

- (a) at the annual general meeting of a parish at which the parish elects Synod

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representatives each parish must elect five lay persons from the parish roll as parish representatives;

- (b) the first three persons elected are the parish representatives and the remaining two are the alternate parish representatives;
 - (c) if the annual general meeting fails to elect sufficient representatives as required by sub-section (a), or a parish representative or alternate parish representative vacates either office, then the Incumbent must within one month call a special general meeting of the parish in accordance with the provisions of the *Parish Administration Ordinance 1995* to elect persons to fill the vacant positions;
 - (d) the representatives elected pursuant to sub-sections (a) or (c) remain in office until the beginning of the first session of the following Synod unless that position is declared vacant by the Incumbent in accordance with sub-section (e); and
 - (e) a position may be declared vacant by the Incumbent if an elected representative leaves the parish, dies or is unable to perform their duties.
120. On any occasion when a Board is to meet the three parish representatives will represent the parish on the appointment board.
121. If at any meeting of a Board any parish representative is unable to attend then that persons place may be filled by an alternate parish representative.
122. If for any reason the parish is not represented at a meeting of a Board then the Diocesan representatives must constitute the Board.

Parishes with rights of presentation

123. A parish or other pastoral entity fulfilling the functions of a parish, has a right of presentation if, during the twelve months preceding the date on which the parish became vacant, it has:
- (a) paid the stipend and allowances of the outgoing incumbent;
 - (b) paid all contributions to the Diocese;
 - (c) completed and lodged its annual returns;
 - (d) provide a residence for the Incumbent in accordance with the requirements of the Diocese or in accordance with any resolution of Diocesan Council; and
 - (e) it has been recognised by the Synod in accordance with paragraphs 6(a) – 6(c) of the *Administration of Parishes Ordinance 2010*;
124. If a parish fails to comply with any of the requirements of section 123 then the Bishop may in his or her absolute discretion make an appointment or call a meeting of a Board.
125. If a parish fails to elect parish representatives or alternate parish representatives and a vacancy occurs in the parish then the appointment of an incumbent will be at the discretion of the Bishop and no Board will be called.

Procedure following a vacancy

126. If the Office of Incumbent of a Parish becomes vacant and the Parish has a right of presentation in accordance with section 123 then the Bishop:
- (a) must advise the parish representatives and alternate parish representatives

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- in writing of the provisions of this Part; and
- (b) may invite any clergy to indicate an interest in being appointed to the parish; and
 - (c) may receive from the parish the names of clergy they ask the Bishop to consider for appointment to the parish.
127. Upon the Office of Incumbent of a Parish becoming vacant the Bishop may appoint a person to meet with the Parish Council of that Parish and other parish representatives to explain the process set out in this Ordinance and to assist with the preparation of a parish profile.
128. The parish profile must:
- (a) be prepared in the manner determined by the Bishop;
 - (b) be available to all members of the Board; and
 - (c) be provided to any clergy approved by the Bishop for consideration by the parish.
129. Following completion of the parish profile:
- (a) the Bishop or a person appointed by the Bishop will meet with the parish representatives and alternate parish representatives to consider any clergy approved by the Bishop;
 - (b) parish representatives and alternate parish representatives may make enquiries concerning any clergy whose name is before them for consideration by personal interview, video link, telephone conference or other means as deemed appropriate;
 - (c) any expenses incurred by clergy being considered are to be met by the parish; and
 - (d) the Bishop or any person appointed by the Bishop may meet with the Board or any member or members of the Board to discuss clergy who are being considered for the parish.

Meetings of the Board

130. The Board will meet in the following manner:
- (a) the Bishop will summon the diocesan representatives and the parish representatives to meet at a time and place determined by the Bishop by a notice in writing giving not less than seven (7) days notice of the meeting;
 - (b) the Bishop must chair a Board if in attendance;
 - (c) the Bishop may appoint the Chair of a Board to preside in the Bishop's absence;
 - (d) the Chair has no vote but may take part in any discussions of a Board;
 - (e) the parish representatives may advise the meeting of the appointment board of any matters concerning the parish and the appointment of an Incumbent;
 - (f) at any time during the discussion the Bishop may nominate a person in writing after which only that person may be further discussed;
 - (g) the parish representatives may request a short recess for discussion

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between themselves with or without the Diocesan representatives and may withdraw from the meeting for this purpose;

- (h) the appointment board may accept or reject the nomination made by the Bishop; and
- (i) any resolution of the appointment board is to be recorded in the minutes of the meeting.

131. If the person nominated by the Bishop is accepted by the appointment board the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the nominated person offering the parish to that person and requesting a response in writing within a period not exceeding 21 days.

132. A person who fails to respond in writing within 21 days is deemed to have declined the invitation.

Further Meetings of the Appointment Board

133. If the nomination of the Bishop is not accepted, the person declines the invitation or fails to satisfy any due diligence or other checks then the Bishop may call up to two more meetings of the Board within 90 days.

134. The procedure to be adopted by a second and subsequent meetings of the Board is as set out in sections 131 to 132 of this Ordinance.

Failure of Second and Subsequent Meeting

135. Where a second and subsequent meetings of the Board fail to result in the appointment of an incumbent then the Bishop has the right to appoint an incumbent to the parish.

PART 10 - THE APPOINTMENT OF ASSOCIATE CLERGY, ASSISTANT CLERGY, CHAPLAINS, DEACONS AND PRIESTS IN LOCAL MINISTRY

136. The offices created by this part are:

- (a) Assistant Curate;
- (b) Associate Priest;
- (c) Chaplain;
- (d) Assistant Chaplain;
- (e) Residentiary Canon;
- (f) Minor Canon;
- (g) Deacon in Local Ministry;
- (h) Priest in Local Ministry; and

such other office as the Bishop may approve.

137. In this part, the Ministry Leader means:

- (a) in the case of the Cathedral, the Dean; and
- (b) in the case of a Parish, the Incumbent; and
- (c) in the case of a School, the Principal; and

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- (d) in the case of another agency, the Chief Executive Officer; and
 - (e) in all other cases, a person deemed to be the Ministry Leader by the Bishop.
138. The Bishop may create an office covered by this part and shall in consultation with the Ministry Leader and the Deploying Body determine
- (a) the duties of that office; and
 - (b) the terms and conditions of remuneration for that office not inconsistent with any term and condition established by this ordinance.
139. The Deploying Body shall certify to the Bishop that it supports the creation of an office in accordance with section 138 and in its opinion it will be able to meet its obligations to that office and provide any remuneration determined in accordance with section 138.
140. Where the office is for a Chaplain in a Diocesan School the Bishop shall appoint the Chaplain following consultation with the Principal.
141. Where the office is for a deacon in local ministry or a priest in local ministry it shall be filled in accordance with any rule determined by the Bishop.
142. Where an office created under this part is not a Chaplain in a Diocesan School, a deacon in local ministry or a priest in local ministry it shall be filled in the following manner:
- (a) the Bishop may propose to the Ministry Leader the names of suitable persons to be appointed;
 - (b) the Ministry Leader may consider other names;
 - (c) the Ministry Leader shall nominate a suitable person to be appointed to the office;
 - (d) the Bishop may decline the nomination without giving reasons;
 - (e) if the person nominated is accepted by the Bishop, the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the person inviting them to accept the appointment;
 - (f) a person who fails to respond in writing within 21 days is deemed to have declined the invitation; and
 - (g) if the nomination is declined the Bishop or the Ministry Leader may submit further names following the procedure detailed by this section.
143. Where the office created under this part is a Residentiary Canon or a Minor Canon it shall be the right of the Dean to install that Canon.

PART 11 – STIPEND AND ACCOMODATION

Entitlement to stipend

144. An officeholder who is occupying a stipendiary office which is stated to be such in his or her terms of appointment is entitled to receive an annual stipend of an amount which is not less than the minimum stipend approved by the Diocesan Council determined on a pro-rata basis if the appointment is less than full-time.

Pro-rata Basis

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145. An officeholder engaged in part-time ministry shall receive stipend, allowances and other entitlements on a pro-rata basis based on the number of days of ministry per week compared with the normal maximum number of days of ministry which for the purpose of this Ordinance is deemed to be five days.
146. For the purpose of determining his or her ministerial load an officeholder undertaking ministry on a full-time basis may anticipate being available for ministerial duties for 40 hours per week provided however that from time to time the demands of the vocation may require additional hours for limited periods when pastoral emergencies or another urgent circumstance arises.

Accommodation

147. Where it is specified in the appointment of an officeholder that accommodation will be provided, the Deploying Body which provides a house of residence or other accommodation for an officeholder must:
- (a) keep the property in good repair;
 - (b) ensure the property is subject to a detailed review by a person appointed by the Property Approvals Board once in every five year period;
 - (c) pay all rates, taxes and other recurring charges payable in respect of the property; and
 - (d) insure the property against all such risks as are included in the usual form of house owner's policy relating to buildings.
148. An officeholder who is in occupation of a house of residence or other accommodation provided in accordance with this Ordinance must
- (a) permit the Deploying Body or its officers or agents to enter the property in exercise of the deploying body's rights and after giving due notice under this Part;
 - (b) use all reasonable endeavours to keep the property and any contents of the property provided by the Deploying Body, clean and free from deterioration, with the exception of fair wear and tear, and to keep any garden or other grounds belonging to the property in a reasonable state of upkeep;
 - (c) notify the Deploying Body of any works of repair that may from time to time be needed to the property as soon as reasonably practicable after the officeholder becomes aware of them;
 - (d) if required to do so by the Deploying Body, to the extent that it is not recoverable under any insurance policy, to pay the whole or part of the reasonable cost of any repairs to the property which a report of a property review authorised by the Deploying Body specifies to be necessary as the result of damage caused or aggravated by the deliberate act of the officeholder or a member of the officeholder's household residing with him or her or by a breach of the officeholder's obligations under this Ordinance;
 - (e) not use the property except as a private residence for the officeholder and his or her household and for such other purposes as may be agreed by the Deploying Body, which agreement must not be unreasonably withheld;
 - (f) not make any repairs, alterations or additions to the property without the consent of the Deploying Body;

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- (g) where the property is held on a lease, observe any term, condition or covenant binding the tenant under the lease and, in any case, indemnify the Deploying Body in respect of any breach by the officeholder or by any member of the officeholder's household living in the property of any term, condition or covenant binding on the occupier;
 - (h) vacate the property within the period of one month from the date on which the officeholder ceases to hold the office or on which he or she takes up a new office, whichever is sooner or within such longer period as the Deploying Body may allow and to leave the property clean and tidy and clear of all personal possessions belonging to the officeholder or any members of his or her household residing in the property; and
 - (i) In the event of a Deploying Body not acting on reports of an Occupational Health and Safety concern notify the Diocesan Chief Executive.
149. If an officeholder dies whilst occupying the property any member of his or her household living in the property at that time may remain in occupation for the period of three months from the date of the officeholder's death or such longer period as the Deploying Body may allow and any such person shall, for the duration of his or her occupation, be subject to the same obligations, so far as relevant, under this Ordinance as was the officeholder.
150. If there is any doubt about the respective obligations of the Deploying Body and the officeholder under this part the Bishop, or an experienced arbiter appointed by the Bishop, shall arbitrate the matter. The decision of the Bishop or the arbiter appointed by the Bishop will be final.

PART 12 – SUPERANNUATION SICKNESS AND ACCIDENT INSURANCE

151. Every officeholder in receipt of a stipend must within twenty-one days of his or her appointment advise the Diocesan Chief Executive of the details of his or her superannuation fund.
152. An officeholder in receipt of a stipend may change their fund once in any calendar year unless otherwise permitted by the Diocesan Chief Executive to do so more frequently.
153. The Diocesan Chief Executive must ensure that contributions to the superannuation fund on behalf of the officeholder are remitted in the manner required by law.
154. The Diocesan Council must ensure the provision of benefit and support to officeholders in receipt of a stipend unable to undertake ministry due to sickness or accident.
155. The Diocesan Council must determine the level of contribution towards the superannuation and sickness and accident benefits of an officeholder in receipt of a stipend by:
- (a) The Diocese;
 - (b) The Deploying Body; and
 - (c) The officeholder.

PART 13 – MINISTRY DEVELOPMENT REVIEW, EDUCATION AND TRAINING

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Ministry development review

156. Every Officeholder will participate in an annual Ministry Development Review within two months of their anniversary to their current appointment or at such other date determined by the Bishop.

On 18 March by instruction number 6, the Bishop in exercising the discretion provided by section 259 has suspended the requirement for Ministry Development reviews during the COVID19 emergency.

157. The review must be undertaken in accordance with any review guidelines determined by the Diocesan Council with the concurrence of the Bishop.
158. The Diocesan Council with the concurrence of the Bishop may establish different review guidelines for different offices.
159. The Officeholder shall forward a copy of the final report of the Ministry Development Review, which must be signed by the officeholder to the Bishop.
160. The Bishop of the Diocese must make such arrangements as he or she thinks appropriate for his or her annual ministry development review and shall report those arrangements to the Diocesan Council.

Continuing ministry education

161. Every officeholder including the Bishop of the Diocese is entitled to seven days not including a Sunday for continuing ministry education leave in each calendar year such leave must not include training events or retreats determined by the Bishop to be compulsory events.
162. Where leave to undertake continuing ministry education is not utilized in a calendar year it will not accumulate to subsequent years.
163. An officeholder in receipt of a stipend including the Bishop of the Diocese must receive from the Deploying Body a continuing ministry education allowance of not less than an amount equal to one percent of his or her gross stipend.
164. Where an officeholder is in receipt of less than the minimum stipend the entitlement to leave and to allowances must be reduced pro-rata according to the stipend received.
165. An officeholder must annually provide to the Deploying Body a report on continuing ministry education undertaken during the year and planned for ensuing years.
166. An officeholder may be required by the Bishop to provide to the Bishop a copy of the report forwarded to the Deploying Body.
167. The Bishop may advise an Incumbency Appointment Board of the continuing ministry education undertaken by an officeholder.
168. The Bishop must make such arrangements as he or she thinks appropriate for his or her continuing ministry education.
169. The Diocesan Council with the concurrence of the Bishop may establish regulations or policies for professional supervision which shall be a ministerial duty of all clergy holding a licence from the Bishop.

On 18 March by instruction number 6, the Bishop in exercising the discretion provided by section 259 suspended the requirement for supervision during the COVID19

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emergency. On 19 March by instruction number 5 clergy were advised to maintain supervision where practical.

170. An Approved Supervisor shall maintain strict confidentiality about their work with an officeholder with the exceptions that an Approved Supervisor:
- (a) must disclose to the relevant authorities and the Director of Professional Standards in a timely manner any information received in the course of supervision that would require them to make a mandatory report of child abuse or serious indictable offence;
 - (b) in exercising due diligence, advise the Bishop in a timely manner if they have serious concerns about the health and wellbeing of an officeholder they are supervising, having first discussed with the officeholder the importance of raising these matters with the Bishop, and encouraged the officeholder to discuss these with the Bishop themselves;
 - (c) must advise the Bishop and the Director of Professional Standards if they form a view both that an officeholder has or is breaching the standards of the Code of Conduct approved in accordance with the *Professional Standards Ordinance 2012* and that as a result of that breach a person receiving their ministry has suffered harm or is at risk of harm; and
 - (d) shall when requested provide the Bishop with advice on the dates of each supervisory session with the officeholder in the previous 12 months.

PART 14 - TIME OFF MINISTRY, TIME SPENT ON OTHER DUTIES AND SICKNESS

Weekly Rest period

171. An officeholder including the Bishop of the Diocese is entitled to two uninterrupted rest periods of 24 hours in any period of seven days, but the statement of particulars of office may specify that any rest period may not be taken on or include a Sunday, Ash Wednesday, Good Friday or Christmas Day unless approval has been given by the Bishop.

Public Holidays

- 172.
- (a) An officeholder shall be entitled to an additional rest period on the day of each public holiday in the State of New South Wales on which there is not a requirement to undertake ministerial duties related to his or her office
 - (b) An officeholder shall be entitled to an additional rest period within seven days of each public holiday in the State of New South Wales on which there is a requirement to undertake ministerial duties related to his or her office.

Annual leave

173. An officeholder including the Bishop of the Diocese is entitled to annual leave from their position for 20 ministry days including 4 Sundays in any one calendar year. Annual leave is subject to the following conditions:
- (a) the Deploying Body must pay for the services of any relieving person during the Annual Leave of absence of the officeholder unless other arrangements have been approved in writing in advance by the Bishop;

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- (b) annual leave must accrue on the basis of seven days for each 13 weeks of ministry;
- (c) annual leave may not be taken until the weeks of service have been completed;
- (d) no more than six weeks of annual leave may be accumulated by an officeholder; and
- (e) the officeholder must advise the Bishop in writing at least seven days prior to taking annual leave.

Leave of Absence

174. No officeholder may be absent from ministry in the Diocese excluding annual leave without the consent of the Bishop.
175. In the event of the officeholder applying to be absent from ministry in the Diocese for any period exceeding four weeks such officeholder must nominate to the Bishop a duly qualified person to exercise ministry during his or her absence. The Bishop without reason assigned may reject any nomination thus made and leave of absence must not be granted until a suitable person has been appointed or the Bishop has approved alternate arrangements.
176. Before any office holder is granted leave of absence in accordance with section 179 he or she must lodge with the Diocesan Chief Executive and his or her Deploying Body an agreement signed by that person and by the person accepted by the Bishop as a suitable Locum Tenens and countersigned by the Bishop setting forth:
- (a) The term during which the officeholder will be absent
 - (b) The emoluments and advantages to be enjoyed by the person accepted by the Bishop as a suitable Locum Tenens
 - (c) A provision that if the said officeholder fails to return from absence, upon expiration of the term for which leave of absence has been granted without the consent of the Bishop first obtained in writing, the Bishop may declare the office vacant and proceed to fill the appointment
 - (d) A provision that if the person accepted by the Bishop as a suitable Locum Tenens must by death, resignation or the revocation of licence cease to hold the licence of the Bishop then the Bishop may appoint a person on the terms agreed or such other terms as the Bishop may deem fit and necessary.
177. Upon an agreement aforesaid being lodged the Diocesan Chief Executive must issue to the officeholder a document granting leave of absence under the hand and seal of the Bishop.

Long Service Leave

178. An officeholder entitled to long service leave may apply to the Bishop to take his or her leave from a date to be stated in his or her application.
179. The Bishop after consultation with an officeholder and the Deploying Body for the officeholder may require an officeholder entitled to long service leave to take his or her leave from such a date as the Diocesan Council with the concurrence of the Bishop must determine.
180. The officeholder must receive the stipend and allowances the officeholder would have received had they not taken long service leave.

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181. The consent and the approval of the Bishop must be obtained before a member of the clergy is invited to perform duties in or for any parish institution or organisation during the absence of an officeholder on long service leave. The Bishop or a person appointed by the Bishop must approve the arrangements with that member of the clergy.

Maternity, paternity, parental, carers and adoption leave

182. An officeholder must be entitled to maternity, paternity, parental and adoption leave and time off ministry to care for dependants in accordance with directions determined by the Diocesan Council in accordance with recommendations of the Clergy Emoluments Board, and any directions given by the Council under this section must:
- (a) provide for the payment of his or her stipend during any such periods of leave;
 - (b) impose conditions on any such entitlement; and
 - (c) impose requirements as to the procedures for applying for any such entitlement.

Sickness

183. If an officeholder who is in receipt of a stipend is unable to perform the duties of his or her office because of illness for a period of three days or longer he or she must report the absence to the Area Dean or Diocesan Chief Executive who must inform the Bishop.
184. If an officeholder is absent from ministry because of illness for a continuous period of more than seven days he or she must supply the Diocesan Chief Executive with a certificate signed by a qualified medical practitioner and the Diocesan Chief Executive must send a copy of the certificate to the Bishop.
185. An officeholder who is absent from ministry must use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person during the absence.
186. The Bishop may, if he or she is satisfied that the officeholder is, by reason of illness, unable adequately to discharge the duties of his or her office, permit the officeholder to be absent from ministry for such period as the Bishop thinks appropriate and may make provision for the discharge of those duties during the period of absence of the officeholder.

Medical examination

187. The Bishop may, if he or she has reasonable grounds for concern about the physical or mental health of an officeholder, direct that the officeholder must undergo a medical examination by a medical practitioner chosen by the officeholder from the Medical Panel.
188. The officeholder must comply with any direction provided by the medical practitioner appointed in accordance with section 190 to refrain from undertaking his or her ministerial duties.
189. The Bishop, the Diocesan Council or the Deploying Body may initiate Ministry Issues procedures in accordance with Part 16 where an officeholder is absent from ministry because of illness for a continuous period of 60 days or a total period of 90 days within a twelve month period.

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PART 15 – DURATION AND TERMINATION OF APPOINTMENTS

Fixed and other limited term appointments

190. Without limiting the generality of section 265, this Part is to be read subject to that section.
191. A person who holds or is to hold office under this Ordinance may be appointed by the Bishop for a fixed term not exceeding five years or under terms which provide for the appointment to be terminated on the occurrence of a specified event if:
- (a) the office is designated as a locum ministry in order to cover an officeholder’s authorised absence from ministry;
 - (b) the officeholder has attained the Pension Age;
 - (c) the office is designated as a probationary office;
 - (d) the office is designated as a training office;
 - (e) the office is for a Parish recognised in accordance with paragraph 6(d) of the *Administration of Parishes Ordinance 2010*; and
 - (f) the office is created in accordance with Parts 8 or 10 of this Ordinance.
192. Where a person holds office with a limited term the statement of particulars of office required to be given to the officeholder in accordance with section 8 must contain the particulars of the limited term or any relevant term.
193. An office may be designated as a training office if the officeholder is required by the Bishop to undertake initial ministerial education.
194. An office may be designated as a probationary office if:
- (a) on the date of the appointment of the officeholder to the office, the officeholder has not held any ecclesiastical office in any place during the period of twelve months immediately preceding that date;
 - (b) the officer holder has been the subject of Ministry Issues procedures and the Board which adjudicated on the matter has recommended that any subsequent office occupied by the officeholder should be an office other than that held by the officeholder at that time; and
 - (c) the officeholder has been the subject of proceedings in accordance with the *Clergy Discipline Ordinance* or the *Professional Standards Ordinance* and has had a censure of prohibition, inhibition or suspension imposed on him or her or he or she has resigned, and appointment to the office is made on the recommendation of the Bishop of the Diocese with a view to facilitating his or her return to the ministry.
195. The term of office of any officeholder appointed for a fixed term or on the occurrence of a specified event will terminate on the expiry of the fixed term (unless that term is extended for a further period or periods) or on the occurrence of the specified event.

Ministry Extension Board

196. There is established a Ministry Extension Board.
197. In this Part, Board means the Ministry Extension Board.

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198. The Board will comprise:
- (a) In the case of an Incumbent:
 - (i) One person nominated by the Bishop from the persons elected to be Diocesan Representatives on the Incumbency Appointment Board appointed in accordance with Part 8;
 - (ii) One person nominated by the Bishop from the persons elected to be Parish Representatives on the Incumbency Appointment Board appointed in accordance with Part 8;
 - (iii) A person in holy orders of at least ten years standing appointed by the Bishop; and
 - (iv) Two people nominated by the officeholder;
 - (b) In the case of other appointments:
 - (i) A person in holy orders of at least ten years standing appointed by the Bishop;
 - (ii) A lay member of the Synod appointed by the Bishop;
 - (iii) A person representing the Deploying Body nominated by the Bishop; and
 - (iv) Two people nominated by the officeholder.
199. No person may act as a member of the Board if:
- (a) the office of that person is being reviewed; or
 - (b) continuing to act as a member of the Board would be reasonably perceived by a member of this Church as constituting an actual or perceived conflict of interest.

Functions of the Board

200. (1) The Bishop on the request of the Deploying Body, the Diocesan Council or at his/her own initiative may request that the Ministry Extension Board meet to provide advice about the ongoing ministry of an officeholder provided that:
- (a) a request may only be made once an officeholder has reached the Pension Age; and
 - (b) a request may only be made once in every 24 month period.
- (2) Where the Bishop makes a request in accordance with clause 206(1) he/she shall advise the officeholder in writing and advise the officeholder that he/she:
- (a) may make a submission in writing, not exceeding a reasonable length, to the Ministry Extension Board;
 - (b) must undergo a medical examination by a medical practitioner chosen by the officeholder from the Medical Panel the results of the medical examination being made available to the Ministry Extension Board and the Bishop;
 - (c) will provide the Ministry Extension Board with a summary of any formal findings against the officeholder by a Diocesan Tribunal, a Professional Standards Board or a Bishop where the Bishop has exercised a role of direction in relation to a Diocesan Code of Conduct;
 - (d) will provide the Ministry Extension Board with a copy of the officeholders Ministry Development Review for the preceding 3 years together with a

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copy of the officeholder's participation in professional supervision for the preceding 3 years.

- (3) The Board must meet to determine whether it shall recommend to the Bishop that an officeholder who has reached Pension Age is either:
- (a) complying with the requirements of this Ordinance and is able to continue to exercise the functions of his/her office with or without reasonable adjustment; or
 - (b) failing to comply with the requirements of this Ordinance and/or requires adjustments to continue to undertake his/her office which the Board believes are unreasonable
- and shall advise the Bishop of such recommendation in writing.
- (4) In making any determination in accordance with clause 206(3) above, the Board shall consider the following:
- (a) the inherent health requirements of the office which the officeholder holds;
 - (b) the report of the medical examination obtained in accordance with clause 200(2)(b);
 - (c) the information provided by the Bishop in accordance with clause 200(2)(c) and (d); and
 - (d) any submission from the officeholder.
- (5) The Board must undertake its work in accordance with any guidelines determined by the Diocesan Council with the concurrence of the Bishop.
201. The Board must work promptly and must make a recommendation to the Bishop within forty-two days of receiving an application from the Bishop.
202. The Board may recommend that the Bishop issue a notice to an officeholder that his or her term of office will expire on a specified date being not less than 13 weeks and not more than 26 weeks from the date the Bishop notifies the officeholder. The Board shall advise the Bishop of this view and shall provide a copy of any information on which the Board has relied in reaching that decision.
203. The Bishop is not bound to accept the recommendation of the Board but may not issue a notice in accordance with clause 208 without a recommendation to that effect from the Board.
204. The Bishop shall advise the officeholder of the outcome of the Board and his/her decision. The Bishop is not required to give reasons for his/her decision.
205. Where the Bishop does not issue a notice concluding an officeholders ministry, the Bishop shall advise the officeholder in writing the date on which a Ministry Extension Board can be convened again.

PART 16 - MINISTRY ISSUES PROCEDURES

206. In this part a Ministry Issue includes but is not limited to:
- (a) where serious breakdown may have occurred in the pastoral relationship between the officeholder and those whom the officeholder ministers;
 - (b) a period of illness in accordance with section 182; and
 - (c) the incapacity of the parish to provide the stipend.

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207. If the Bishop considers that a ministry issue has arisen which is impeding or is likely to impede the ministry of the officeholder or the area of ministry in which the officeholder ministers or the ministry of the Diocese, the Bishop may initiate the Ministry Issues Procedures.
208. If:
- (a) the Diocesan Council; or
 - (b) the Deploying Body; or
 - (c) the officeholder;
- considers that a ministry issue has arisen which is impeding or is likely to impede the ministry of the officeholder or the area of ministry in which the officeholder ministers or the ministry of the Diocese, that party may request that the Bishop initiate the Ministry Issues Procedures.
209. The Ministry Issues Procedures are to be initiated by the Bishop serving a Concerns Notice on the officeholder. The Concerns Notice must provide detail of the matters of concern that are sufficiently specific for the officeholder to be in a position to respond as required under the Ministry Issues Procedures.
210. Where an officeholder believes that the Bishop may have a conflict of interest in managing a ministry issue, the proposed conflict will be referred to the Chancellor. If the Chancellor confirms that a conflict exists the Chancellor shall appoint a suitable member of the clergy to exercise specific functions assigned to the Bishop in this part
211. The Concerns Notice is to notify the officeholder of the names of three potential Conciliators to facilitate the Conciliation process and nominate a date and place for Conciliation, to be held within 28 days of the service of the Concerns Notice.
212. Subject to clause 219, conciliators will be chosen by the Bishop, and must be persons with suitable professional qualifications, either legal or counselling, to facilitate a Conciliation meeting. Within 7 days of receipt of the Concerns Notice, the officeholder will communicate their choice of Conciliator to the Bishop and confirm their attendance at the Conciliation. Where there is any difficulty with the proposed date, the Conciliation must be held on another suitable date within the required period.
213. The Conciliation will be conducted on without prejudice basis so that any statements or admissions made will remain confidential to the meeting. The officeholder is entitled to have a support person present, but neither the Bishop nor the office holder is entitled to have legal representation at the Conciliation. The officeholder may, but is not obliged to, make a statement in response to the Concerns Notice. The parties are to use their best endeavours to better understand the Ministry Issues, and identify potential solutions that would resolve the matter. Any final outcomes from the Conciliation will remain confidential, but any affected parties shall be notified that a conciliated outcome has been achieved.
214. If Conciliation is unsuccessful in resolving the Ministry Issues, but at any later time in the Ministry Issues Process the officeholder, the Deploying Body, or the Bishop consider that resolution of the issue is likely to be achieved by counselling and/or mediation, they may request the appointment of a suitably qualified person or persons to effect such counselling and/or mediation. If all parties concur with this request, the Assistant Bishop or Archdeacon with oversight of the officeholder as

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determined by the Bishop in which the office holder is licenced shall make such arrangements as soon as practicable.

215. Where the Bishop forms the view that Conciliation will be ineffective or unworkable given the number of parties to a ministry issue or for other pastoral reasons the Bishop may refer the matter directly to a Ministry Issues Review Panel.
216. Where Conciliation is unsuccessful, the Bishop must convene the Ministry Issues Review Panel (the Panel).
217. The Bishop may direct the officeholder and the Deploying Body to participate in the Ministry Issues Procedures.
218. The Bishop must appoint the Panel in the following manner:
- (a) The Assistant Bishop or Archdeacon with oversight of the officeholder as determined by the Bishop in which the officeholder is licenced must be the Convenor, or in circumstances where that Archdeacon is unavailable, then another Archdeacon of the Diocese;
 - (b) The officeholder will nominate one member to the Bishop; and
 - (c) The Deploying Body will nominate one member to the Bishop
219. The Bishop may require the officeholder or deploying body to provide further nominations, but only in circumstances where at least two (2) Archdeacons of the Diocese concur with the Bishop that such course is appropriate in the particular circumstances of the matter.
220. No person may serve on the Panel if he or she considers that a reasonable observer would conclude that he or she is so closely associated with one or more to the persons involved as to be unable to give completely impartial consideration to the ministry issue.
221. Where the Ministry Issue relates to an officeholder in parish ministry no person may serve on the Panel if they currently worship or within the previous three years habitually worshipped in a church in that parish.
222. At least 1 member of the Panel must be a person in holy orders of at least five years standing and who is in receipt of a stipend.
223. The Diocesan Council may select a member should the officeholder or the Deploying Body fail to nominate within 14 days of a request by the Bishop to do so.
224. In circumstances where a member of the Panel is unable to continue to serve on the Panel, a replacement shall be appointed in the same manner as set out in section 224, except that in the case of the Archdeacon position, the Bishop shall appoint one of the other Archdeacons in the Diocese to the role. Such replacement should be found urgently, preferably within 7 days.

Proceedings of a Ministry Issue review Panel

225. The Panel must meet within 14 days after it is constituted, or where this is not practicable, at the earliest opportunity thereafter.
226. The Convenor must preside at meetings and must be the person to whom communications to the group may be addressed.
227. The Panel must inform itself of the relevant facts without following formal court processes, but it shall not accept hearsay or opinion, it shall only proceed on written

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statements, it shall make its enquiries discretely, and it shall make a careful distinction between fact and opinion.

228. The Panel must notify the officeholder of any allegations that may be relied upon by the Panel to make an adverse finding against the officeholder, and provide the officeholder with an opportunity to respond before the Panel makes any findings or recommendations. The officeholder may provide written statements to the Panel at any time prior the Panel finalising its Report. If the officeholder chooses not to provide any written statements, the Panel is entitled to proceed to make findings and recommendations in the absence of a response from the officeholder.
229. No person is entitled to representation by counsel or solicitor or any other person, unless the Panel decides by a majority that it would be unfair to that person not to grant such representation. However, anyone who wishes to be accompanied by a support person to any meetings of the Panel may be accompanied by such a person, who shall have no right to speak.
230. No person has the right to cross examine any other person.
231. The Panel must take all reasonable action to enable it to ascertain the situation affecting the officeholder, the deploying body and the area of ministry.

Report of Ministry Issues Review Panel

232. The Panel must prepare a report of fact and including a set of recommendations.
233. The Panel may recommend that no action be taken with or without comments or suggestions.
234. The Panel's report may recommend that the Bishop undertake any one or more of the following:
- (a) That specific courses of action be taken in the officeholder's parish, school, agency or organisation (whether or not such action is of a type specified in the succeeding paragraphs of this clause);
 - (b) That the officeholder's licence be withdrawn;
 - (c) The officeholder be asked to resign his or her licence under this Ordinance;
 - (d) That a fixed term be placed on the officeholder's licence;
 - (e) That conditions be placed on the officeholder's licence;
 - (f) That certain named lay members of the parish be required from a specified date to stand aside from being a churchwarden 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 of up to three years thereafter;
 - (g) That an officeholder be required or certain named lay persons be requested to undertake counselling;
 - (h) That an officeholder be required or certain named lay persons be requested to undertake training;
 - (i) A Parish Council to undertake specified action not inconsistent with any Ordinance of Synod;
 - (j) That no action be taken at present but that a further meeting of the Panel be held; and

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- (k) Without derogating from the generality of this section, 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 organizations in the parish, that certain organizations in the parish be disbanded, that the parish consider amalgamation or that expert advice be taken on particular issues.
235. The report must present the view of the majority of the members of the Panel. In the case of an equality of opinions, the view of the chairperson must prevail, provided always that no recommendation that the holder of the licence resign or lose his or her licence must be made unless all members of the Panel concur.
236. The report must be completed within 8 weeks of the first meeting of the Panel except with leave of the Bishop for an extension, and only then in exceptional circumstances.
237. The report must be sent to the Bishop, the officeholder and any person the subject of a recommendation in the report.
238. The Bishop shall advise the Deploying Body of the recommendations in the report and may, but is not required to, authorise the release of all or part of the report to the Deploying Body.
239. Where the Ministry Issues Review Panel considers they are likely to recommend to the Bishop a course of action that may significantly affect the officeholder, the officeholder will be offered the opportunity to be represented by counsel or solicitor or any other person before the panel
240. The Bishop may undertake the action recommended by the Ministry Issues Review Panel or may take a lesser course of action.

PART 17 - APPEALS

241. A person who considers that:
- (a) he or she will be treated unfairly if the Bishop accepts a recommendation of a Ministry Issues Review Panel made in accordance with section 239;
 - (b) a Ministry Issues Review Panel has not acted in accordance with the provisions of this Ordinance; and
 - (c) Ministry Extension Board has not acted in accordance with the provisions of this Ordinance;
- may appeal to a Clerical Ministry Ordinance Appeals Committee.

Notice of Intention to Appeal

242. No appeal may be entertained by the appeal committee unless the appellants give written notice of intention to appeal to the Diocesan Chief Executive within twenty one days of receiving notice of a determination by the Ministry Issues Review Panel or the Ministry Extension Board.

Stay of Proceedings

243. The lodgement 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.

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Evidence on Appeal

244. The report of the Ministry Issues Review Panel or the Ministry Extension Board be accepted as prima facie evidence of the truth of the matters contained therein.
245. The Clerical Ministry Ordinance Appeals Committee may determine any matters of fact that it considers it needs to determine by way of rehearing as it considers appropriate without being bound by the rules of evidence.

Appeals Committee

246. The Diocesan Council must appoint members of a Clerical Ministry Ordinance Appeals 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);
 - (b) a person in holy orders of at least ten years standing appointed by the Diocesan Council; and
 - (c) 3 persons to be selected by the Diocesan Council.
247. An appeal from a recommendation of a Ministry Issues Review Panel or the Ministry Extension Board may be considered by the Clerical Ministry Ordinance Appeals Committee.
248. No person may serve on the Clerical Ministry Ordinance Appeals Committee if he or she considers that a reasonable observer would conclude that he or she is so closely associated with one or more to the persons involved as to be unable to give completely impartial consideration to the appeal.
249. Where the Appeal relates to an officeholder in parish ministry no person may serve on the Clerical Ministry Ordinance Appeals Committee if they currently worship or within the previous three years habitually worshipped in a church in that parish.
250. Should there be more than one appeal from the recommendations of a Ministry Issues Review Panel, such appeals must be considered by the same Clerical Ministry Ordinance Appeals Committee either together or one after the other as the appeal committee in its discretion considers appropriate.

Effect of Appeal Committee's findings

251. The Clerical Ministry Ordinance Appeals Committee, may:
- (a) affirm, vary or set aside, any recommendation of the Ministry Issues Review Panel that has been appealed against and, if appropriate, substitute other recommendations and add additional recommendations;
 - (b) direct a Ministry Issues Review Panel or a Ministry Extension Board to reconsider any matter; and
 - (c) direct such other action as is reasonable to ensure that a matter relating to an officeholder is determined fairly.
252. The Clerical Ministry Ordinance Appeals Committee, may
- (a) affirm, vary or set aside, any recommendation of the Ministry Issues Review Panel that has been appealed against and, if appropriate, substitute other recommendations and add additional recommendations;
 - (b) direct a Ministry Issues Review Panel or a Ministry Extension Board to reconsider any matter;

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- (c) direct such other action as is reasonable to ensure that a matter relating to an officeholder is determined fairly.
- 253. The decision of the Clerical ministry Ordinance Appeals Committee must be in writing attested by the chairperson or some other member and dated and delivered to the Bishop, the appellants and the officeholder.
- 254. The Bishop shall advise the Deploying Body of the outcome of the appeal and may; but is not required to, authorise the release of all or part of the Appeals Committee report to the Deploying Body.
- 255. The requirements of this ordinance shall be in addition to the term of appointment of officeholders already in place at the commencement of the ordinance.

PART 18 - ADMINISTRATIVE PROVISIONS

- 256. Every Deploying Body must remit to the Diocesan Chief Executive by such day of each month as determined by the Diocesan Council such amounts as determined by the Diocesan Council in respect of each officeholder entitled to a stipend:
 - (a) to provide stipend continuance and other support during any period of leave arising from sickness and accident;
 - (b) to meet contributions towards long service determined in accordance with the Long Service Leave Canon of General Synod having force in the Diocese; and
 - (c) to meet contributions towards superannuation.
- 257. Every officeholder in office at the commencement of this Ordinance may in writing request that the Bishop provide him or her with the statement of particulars prescribed in part 2 provided that:
 - (a) an officeholder may ask for a review of the statement by the Bishop; and
 - (b) any doubt about the statement will be resolved by determination of the Bishop whose decision shall be final.

PART 19 – GENERAL

Diocesan Council

- 258. The Diocesan Council shall have power and is hereby authorised to make such regulations not inconsistent with these provisions as may be necessary or expedient to control the operation of this Ordinance within the Diocese provided that any regulation so made must be reported to the Synod at its next succeeding session.
- 259. Notwithstanding any other provisions of this Ordinance, if either the Bishop or the Diocesan Council is of the opinion that special provision should be made in respect of an officeholder to ensure the officeholder is not unfairly disadvantaged, the Bishop may in such a case make such provision.
- 260. The Bishop and any panel or board acting in accordance with this Ordinance shall not be bound by the rules of evidence and may seek information in any way considered appropriate provided always that the rules of natural justice are observed.
- 261. Wherever it is practical and just, the Bishop and any panel or board acting in accordance with this Ordinance must seek to preserve confidentiality

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262. Nothing in this Ordinance may be construed as implying employment or a contract for services.
263. No officeholder holding office without limited tenure prior to the commencement of this Ordinance shall by virtue of this Ordinance be subject to fixed term appointment while they remain in that office.
- An officeholder holding office at the commencement of this Ordinance shall continue to hold such office according to the terms of appointment in place before the commencement of this Ordinance.
264. Persons who were Members of any Board or Committee established prior to the commencement of this Ordinance shall continue to hold office as if elected under this Ordinance until the time at which their appointments would otherwise have terminated.

PART 20 – AMENDMENT TO OTHER ORDINANCES

265. The Cathedral Ordinance shall be amended in the following manner:
- (a) A new clause 7 shall be inserted reading: “The Dean shall be elected in accordance with the *Clerical Ministry Ordinance 2009*;”
 - (b) A new clause 8 shall be inserted reading: “In the case of a vacancy in the office of Dean the Bishop shall have the rights of Dean during such vacancy and until a Dean is appointed may appoint a Sub-Dean and may give the Sub-Dean such control and direction of the Services of the Cathedral and for so long a period as the Bishop may think fit;” and
 - (c) A new clause 9 shall be inserted reading “In addition to the Residentiary Canons there shall be eight Honorary Canons, appointed in accordance with the *Clerical Ministry Ordinance 2009*”
266. This Ordinance shall come into effect on a date to be determined by the Bishop.

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REGULATION 1

Whereas Part 16 of the *Clerical Ministry Ordinance 2009* (the Ordinance) provides for Ministry Issues Procedures which include the appointment of a conciliator; and

Whereas the Ordinance provides that the Diocesan Council may make rules or regulations for the administration of the Ordinance

The Diocesan Council exercising the power delegated to it by the Ordinance provides as follows:

- (a) The costs of conciliation arranged in accordance with part 16 of the Ordinance will be a charge against the parish or entity to which the member of the clergy is appointed.
- (b) The deploying body shall ensure that the costs of conciliation are paid to the Diocesan Office within thirty days of receiving notice from the Diocesan Office of the costs.

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PART 21 - ORDINANCE ADMINISTRATION

Table of Amendments

Date	Current Section	Amendment	Section or Part Amended
24 October 2010	150	<i>Clerical Ministry Ordinance Amendment Ordinance 2010</i>	119
	superseded	<i>Clerical Ministry Ordinance Amendment Ordinance 2010</i>	180
	263	<i>Clerical Ministry Ordinance Amendment Ordinance 2010</i>	216
24 October 2010	123	<i>Administration of Parishes Ordinance 2010</i>	93
	191	<i>Administration of Parishes Ordinance 2010</i>	158
16 December 2010	256-257	<i>Clerical Ministry Ordinance Amendment Ordinance No 2 2010</i>	255(a)(b)
26 May 2011	196	<i>Clerical Ministry Ordinance Amendment Ordinance 2011</i>	198
26 May 2011	198	<i>Clerical Ministry Ordinance Amendment Ordinance 2011</i>	200
26 May 2011	all superseded	<i>Clerical Ministry Ordinance Amendment Ordinance 2011</i>	all superseded
23 August 2012	6	<i>Diocesan Work Health Safety Ordinance 2012</i>	6(p)
	12	<i>Diocesan Work Health Safety Ordinance 2012</i>	12A
18 June 2013	Part 4	<i>Clerical Ministry Ordinance 2009 Amendment Ordinance 2013</i>	Part 4
13 May 2017	Part 4	<i>Clerical Ministry Ordinance 2009 Amendment Ordinance 2017</i>	Part 4
29 September 2017	Part 16	<i>Clerical Ministry Ordinance Amendment (Ministry Issues Procedure Revision) 2017</i>	Part 16

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23 September 2017	6	<i>Clerical Ministry Ordinance (Professional Supervision of Clergy and Clarification of Clergy Expectations) Ordinance 2017</i>	6(d)
	6	<i>Clerical Ministry Ordinance (Professional Supervision of Clergy and Clarification of Clergy Expectations) Ordinance 2017</i>	6(aa)
	169	<i>Clerical Ministry Ordinance (Professional Supervision of Clergy and Clarification of Clergy Expectations) Ordinance 2017</i>	171
	170(a)-(d)	<i>Clerical Ministry Ordinance (Professional Supervision of Clergy and Clarification of Clergy Expectations) Ordinance 2017</i>	172(a)-(d)
	258	<i>Clerical Ministry Ordinance (Professional Supervision of Clergy and Clarification of Clergy Expectations) Ordinance 2017</i>	256
26 October 2017	145	<i>Clerical Ministry Ordinance Amendment Ordinance (Ensuring Clergy Wellness) 2017</i>	144
	146	<i>Clerical Ministry Ordinance Amendment Ordinance (Ensuring Clergy Wellness) 2017</i>	144A
	169	<i>Clerical Ministry Ordinance Amendment Ordinance (Ensuring Clergy Wellness) 2017</i>	171
	172(a)	<i>Clerical Ministry Ordinance Amendment Ordinance (Ensuring Clergy Wellness) 2017</i>	170A
	172 (b)	<i>Clerical Ministry Ordinance Amendment Ordinance (Ensuring Clergy Wellness) 2017</i>	170B
22 February 2018	Regulation 1	<i>Approved by Diocesan Council 22 February 2018</i>	Regulation 1
22 February 2018	6 173	<i>Clerical Ministry Ordinance Amendment Ordinance 2018</i>	6(v) 177
26 October 2018	Part 4	<i>Clerical Ministry Ordinance Amendment Ordinance (Bishop Election Procedures) 2018</i>	Part 4
	156 - 160	<i>Clerical Ministry Ordinance Amendment Ordinance (Ministry Development Review Procedure) 2018</i>	156 - 160
	218	<i>Clerical Ministry Ordinance Amendment Ordinance (Ministry Issues Procedure) 2018</i>	220
	222(a)	<i>Clerical Ministry Ordinance Amendment Ordinance (Ministry Issues Procedure) 2018</i>	223(a)
	216	<i>Clerical Ministry Ordinance Amendment Ordinance (Ministry Issues Procedure) 2018</i>	218
	219	<i>Clerical Ministry Ordinance Amendment Ordinance (Ministry Issues Procedure) 2018</i>	New Clause
25 October 2019	6	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	6

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	9	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	9
	30	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	30
	33	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	33
	37	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	37
	95	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	95
	191	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	193
	199 - 205	<i>Clerical Ministry Ordinance Amendment (Retirement Age) Ordinance 2019</i>	205 - 211
Note added 13 April 2020	156	<i>COVID19 Instruction from the Bishop 18 March 2020 (6) and 19 March 2020 (5)</i>	156
Noted added 13 April 2020	169	<i>COVID19 Instruction from the Bishop 18 March 2020 (6)</i>	169

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