

THE LICENSING STATUTE 2017-2020

Preamble

1. It is deemed necessary to bring together under one statute matters concerning:
 - a) All clergy licensed by the Bishop of Bunbury
 - b) All clergy who hold the Bishop's Permission To Officiate; and
 - c) Where indicated, all persons licensed by the Bishop to perform either or both ecclesiastical and administrative duties.
2. **Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury assembled:**
 - a) This Statute shall be known as The Licensing Statute 2017-2020.
3. **Repeal of the Previous Statute**
 - a) The Licensing Statute 2001-2009 is repealed.
4. **Schedules of The Licensing Statute 2017-2020**
 - a) The Bishop-in-Council may amend a Schedule to this Statute by resolution.
 - b) Amendments made by Bishop-in-Council to a Schedule are laid before the next meeting of Synod.
 - c) In the event Synod does not confirm an amendment made by Bishop-in-Council, all actions taken in accordance with the amendment during the period the amendment was in place will be deemed to have been confirmed unless there is a resolution to the contrary by Synod.
5. **Appointment and Licencing of Clergy**
 - a) Clergy are appointed by the Bishop in accordance with the provisions of The Parochial Nominations Board Statute 1987-2010.
 - b) The Bishop alone shall reserve the right to appoint clergy within the Diocese.
 - c) The Bishop alone may grant the Bishop's Licence or Permission To Officiate.
 - d) Clergy must not perform or carry out any duties of a ministerial or ecclesiastical or administrative nature within the Diocese without holding the Bishop's Licence or Permission To Officiate.
 - e) All clergy must at all times have the right of access to the Bishop without let or hindrance from any person.
6. **Requirements for Licences and Permission To Officiate**
 - a) Clergy desiring to obtain the Bishop's Licence or Permission To Officiate must present to the Bishop Letters of Orders, or recognised proof of such Letters.

- b) The Bishop must make enquiries and formally check references concerning the person, their character, their previous work and capacity and any other matters as the Bishop determines.
- c) Clergy must supply the Bishop with all documentation to meet all Safe Church requirements of the Diocese including all relevant State and Federal legislative requirements.
- d) The Bishop must confirm the clergy are of Good Standing with the National Register of the Anglican Church before making an appointment.
- e) Clergy must make affirmations and declarations and subscribe to such regulations as the Bishop may require, including:
 - (i) An Affirmation of Canonical Obedience as set out in Schedule 1.
 - (ii) A Declaration of Submission to the Synod of the Diocese of Bunbury, as set out in Schedule 2.
 - (iii) A Declaration of Assent, as set out in Schedule 3.

7. The Bishop's Licence

- a) The Bishop's Licence is required for any clerical position within the Diocese.
- b) The wording of the Bishop's Licence is within the right of the Bishop alone.
- c) The Bishop has the right to require clergy seeking a Licence to subscribe to any lawful provisions which the Bishop may require to be made upon the Licence.
- d) In accordance with the Constitution of the Diocese, clergy holding the Bishop's Licence are members of the House of Clergy in the Synod of the Diocese.
- e) The Bishop reserves the right to stand aside a clergy person where there is an allegation of unacceptable behaviour, conduct or performance as set out in Schedule 6.
- f) Where a clergy person has been stood aside for 12 months the existing licence will lapse. The Bishop may re-licence the clergy person on the resolution of the matter to a different ministry. Where no such ministry is available within the Diocese, the Diocese will provide support to the clergy person in their transition to another role.
- g) The Bishop reserves the right to suspend a clergy person's licence following the procedures outlined in Schedule 6.
- h) The Bishop reserves the right to permanently revoke a clergy person's licence following the procedures outlined in Schedule 6.

8. Permission to Officiate

- a) Clergy not holding the Bishop's Licence who meet the requirements of clause 6 may be granted a Permission To Officiate.

- b) The Bishop's Permission To Officiate may be revoked by the Bishop alone without having to show cause or give reason.
- c) Clergy holding the Bishop's Permission To Officiate:
 - (i) Are not entitled to be Members of the House of Clergy in the Synod of the Diocese.
 - (ii) Must not undertake any ministry in a Parish without the express invitation of the Priest-in-Charge.
 - (iii) Must not be a member of the Parish Council
- d) Visiting clergy must be of Good Standing and have the Bishop's Permission To Officiate in the Diocese.

9. Clergy Appointments within the Diocese

- a) The Bishop has the right of the first appointment for persons ordained within the Diocese.
- b) The Bishop is responsible for the appointment of assisting priests or deacons. Prior to such appointment the Bishop will consult with the Priest-in-Charge and confirm the parish is able to provide a Living or an agreed part thereof.
- c) The expectations of clergy appointed to a parish are contained with Schedule 4.
- d) The appointment of and length of service for Diocesan clergy will determined by the Bishop.
- e) Clergy may be seconded for special ministries by prior arrangement with the Bishop-in-Council, and the Parish Council of the parish or parishes concerned.

10. Clergy

- a) Clergy are appointed by the Bishop under the provisions for such appointment in Clause 9 of this Statute.
- b) The duties of assisting clergy are agreed with the Bishop in consultation with the Priest-in-Charge and wardens and are included in a Ministry Covenant. See Schedule 4 of this Statute.
- c) Assisting clergy holding the Bishop's Licence may attend and speak at Parish Council and are voting members.

11. Resignation and Retirement

- a) Any clergy person may resign an appointment at any time upon three months' written notice to the Bishop.
- b) The Bishop may give permission for a clergy person who has resigned to leave their appointment prior to the end of the three months' notice period on any terms the Bishop considers appropriate.

12. Clergy Who Have Attained the Age of Seventy

- a) The Bishop's Licence for a Priest-in-Charge and assisting clergy will terminate on their seventieth (70) birthday.
- b) The Bishop may renew a Priest-in-Charge's Licence beyond the age of 70 subject to annual review and on such terms as the Bishop considers appropriate.
- c) The Bishop may renew an Assisting Clergy's Licence beyond the age of 70 subject to triennial review and on such terms as the Bishop considers appropriate.
- d) The Bishop may grant a Permission To Officiate regardless of age.

13. Suspension and Termination of Licence For Incapacity or Incompetency

- a) The Bishop may suspend a clergy person's licence for reasons of incapacity following the procedures outlined in Schedule 6. The suspension may be on such terms and condition as the Bishop considers appropriate.
- b) The Bishop may terminate a licence for reasons of incompetency following the procedures outlined in Schedule 6.
- c) The Bishop may terminate a licence for reasons of incapacity following the procedures outlined in Schedule 7. (For the purposes of this section, incapacity means the inability of a clergy person to perform some or all of their duties on health grounds.)
- d) The process for suspension or termination of a licence set out in Schedule 6 must include provision for notice to be given to the clergy person and an opportunity for the clergy person to respond to any recommendation, allegation or charge prior to the Bishop suspending or terminating the licence.

14. Suspension or Termination of a Licence for an Offence

- a) The Bishop may suspend or terminate a clergy person's licence by reason of:
 - i) an offence under the Diocesan Tribunal Statute 1985-2013; or
 - ii) a recommendation under the Professional Standard's Statute; or
 - iii) a conviction for any offence punishable by imprisonment for 12 months or more.
- b) The Bishop's decision to suspend or terminate a licence, once made, cannot be appealed.

15. Licenced Lay Ministers

- a) The Bishop may licence lay people to exercise specific ministries within the church, in a parish or the Diocese with any terms or conditions the Bishop considers appropriate. Once licensed by the Bishop the person is known as a Licensed Lay Minister.

- b) The Bishop may revoke a licence issued to a Licensed Lay Minister at any time.
- c) A person may only be granted a licence as a Licensed Lay Minister if:
 - (i) They have been recommended by the Priest-in-Charge of the parish, after consultation with the Parish Council;
 - (ii) Their name has been presented to the parish at Public Worship on at least three consecutive Sundays; and
 - (iii) Any objection to the granting of a licence to the proposed person has been forwarded the Bishop for consideration.
 - (iv) They are a confirmed communicant member of the Anglican church
 - (v) They have been a Voting Parishioner of the Parish for not less than 12 months.
 - (vi) They have complied with all the Safe Church requirements set out by the Diocesan Safe Ministry Authority and the Diocese as determined from time to time prior to any licence being issued; and, these requirements are actively maintained in a timely manner for the duration of the licence.
 - (vii) They attend any relevant training and meet required standards of behaviour set out in the various polices and Code of Conduct.
- d) The Bishop may waive any of the requirements in subsection (c) at the Bishop's discretion.
- e) The Bishop will normally grant a licence for a period of three years from 1 July in the first year of a Synod triennium.
- f) The Bishop may grant a licence at any time during the three-year term of Synod. Such licence will lapse at the end of the 30 June in the third year of the Synod triennium.
- g) Applications for renewal of licences must be submitted to the Diocesan Secretary three months before the date the licence is to lapse. The Bishop may renew an existing licence if the conditions in subsection (c) continue to be met.
- h) Licenced Lay Ministers will be licensed for ministry in their local parish. They may be granted permission by the Bishop to function elsewhere in the Diocese. See Section 16.
- i) The Safe Church Contact Person is a special category of Licensed Lay Minister.
- j) A person who is granted a licence allowing them to preach or teach adults must complete approved theological training as directed by the Bishop.

16. Diocesan Ministries – Licenced Lay Ministers

- a) The Bishop may appoint and license persons who are not ordained to exercise specific ministries within the Diocese on such terms as the Bishop considers appropriate. Once licenced by the Bishop the person is known as a Licensed Lay Minister.
- b) The Bishop may revoke a licence issued to a Licensed Lay Minister in the Diocese at any time.
- c) A person may only be granted a licence as a Licensed Lay Minister in the Diocese if:
 - i) The Bishop has consulted with Bishop-in-Council
 - ii) They are a confirmed communicant member of the Anglican Church
 - iii) They are a Voting Parishioner of a parish within the Diocese.
- d) The Bishop may waive any of the requirements in subsection (c) at the Bishop's discretion.
- e) The Bishop will grant a licence for a period of three years from 1 July in the first year of a Synod triennium.
- f) The Bishop may grant a licence at any time during the three-year term of Synod. Such licence will lapse at the end of the 30 June in the third year of the Synod triennium.
- g) The Bishop may renew an existing licence if the conditions in subsection (c) continue to be met.
- h) Senior Lay Canons, as set out in the Cathedral Statute 2014, are a special category of Diocesan Licensed Lay Minister.

17. Diocesan Ministries – The Diocesan Secretary

- a) The Bishop appoints the Diocesan Secretary after consultation with the Trustees and Bishop-in-Council.
- b) The Bishop will license the Diocesan Secretary on such terms of licence as the Bishop considers appropriate.
- c) The appointment process of the Diocesan Secretary must include:
 - (i) a recruitment process with appropriate regard for skills, capacity, character and references;
 - (ii) clearance from the National Register; and
 - (iii) compliance with Safe Church requirements.
- d) Where the Diocesan Secretary is a clergy person the relevant clauses as laid out in Schedule 4 will apply and be included in the contract of employment's terms of service.

- e) The terms of service of the Office will be determined by the Bishop after consultation with the Trustees and Bishop-in-Council and included in the contract of employment's terms of service.

18. Diocesan Ministries – The Diocesan Registrar

- a) The Bishop appoints the Diocesan Registrar after consultation with the Trustees and Bishop-in-Council.
- b) The Bishop will license the Diocesan Registrar on such terms of licence as the Bishop considers appropriate.
- c) The appointment process of the Diocesan Registrar must include:
 - (i) a recruitment process with appropriate regard for skills, capacity, character and references;
 - (ii) clearance from the National Register; and
 - (iii) compliance with Safe Church requirements.
- d) Where the Diocesan Registrar is a clergy person the relevant clauses as laid out in Schedule 4 will apply and be included in the contract of employment's terms of service.
- e) The terms of service of the Office will be determined by the Bishop after consultation with the Trustees and Bishop-in-Council and included in the contract of employment's terms of service.
- f) The position of Diocesan Registrar may be held by the person holding the position of Diocesan Secretary.

19. Diocesan Ministries – Archdeacons

- a) Archdeacons will be appointed by the Bishop.
- b) Archdeacons will be licensed by the Bishop on such terms of licence as the Bishop considers appropriate.
- c) The Living arrangements included in Schedule 4 of this Statute apply with any variations agreed to by the Bishop.
- d) The Bishop will determine other terms of appointment to the office of Archdeacon as may be appropriate.

20. Diocesan Ministries – Area Deans

- a) The Bishop appoints and licenses the Area Deans on such terms of licence as the Bishop considers appropriate.
- b) The clergy of the Deanery may make recommendation to the Bishop regarding the appointment of an Area Dean.
- c) The duties and responsibilities of the Area Dean are set out in the Parish Handbook.

21. Diocesan Ministry – Canon of St Boniface War Memorial Cathedral

- a) The Canons will be appointed by the Bishop.
- b) The Canons will be licensed by the Bishop on such terms of licence as the Bishop considers appropriate.
- c) The Canons' roles and responsibilities are set out in the Cathedral Statute 2014-2017.

SCHEDULE 1

AFFIRMATION OF CANONICAL OBEDIENCE

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

Declared by the said.....

In the presence of

This day of 20

Before me:

.....

*

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

SCHEDULE 2

SYNODAL DECLARATION

I,

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

Declared by the said

In the presence of:

.....
.....

This day of 20.....

Before me

*

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

SCHEDULE 3

DECLARATION OF ASSENT

The Anglican Church of Australia, being an Apostolic Church, receives and retains the Catholic Faith, which is grounded in Holy Scriptures and expressed in the Creeds, and within its Own History, in the Thirty-Nine Articles, in the Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons.

Accordingly, I.....

(Name and Address of Licensee)

Do solemnly make the following declaration:

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

This day of 20.....

Before me

*

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

SCHEDULE 4

CLERGY 'LIVING'

1. Clergy Stipend or 'Living'

- a) The Stipend (to be known as The 'Living') is the total remuneration entitlement for clergy in this Diocese.
- b) The Living is set by the Bishop-in-Council, with guidance from the Provincial Stipends Committee as required by The Stipends Statute 2008.
- c) A standard Living comprises:
 - (i) A standard monetary component
 - (ii) A regional allowance
 - (iii) The provision of a house or a housing allowance
 - (iv) Electricity, gas and water (utilities) for the clergy person's home
 - (v) The provision of internet, landline and mobile phone
 - (vi) The provision of a vehicle (a car allowance may be paid with the agreement of the Bishop and the parish) and fuel for work purposes
 - (vii) The provision of office equipment including a computer is made available. Appropriate office space is made available
 - (viii) Salary sacrifice arrangements are offered with a proportion of the superannuation payment recommended to be included.
 - (ix) A contribution to the clergy distress fund is made from each month's Living payments.
 - (x) Long Service Leave is available in accordance with the General Synod Anglican Long Service Leave Fund. The necessary monthly contribution is made directly by the parish.
 - (xi) The superannuation component comprising the superannuation guarantee contribution and an additional amount set by the Bishop-in-Council is paid directly by the Parish.
- d) Approved variations to the Living:
 - (i) A clergy person may make salary sacrifice arrangements totalling no more than 30% of the monetary component and regional allowances.
 - (ii) There are strict limitations on the expenses which may be salary sacrificed. These are contained in the Parish Handbook.

- (iii) Surplice Fees (Fees for Weddings and Funerals) are a benefit of the clergy person. Arrangements for the management of these fees are set out in the Parish Handbook.
- e) Discretionary accounts (for the provision of welfare) may be established.
- f) All clergy receiving a Living are encouraged to make a further contribution to their superannuation account by the salary sacrifice arrangements. Any such payment is not included in the 30% proportion in Clause d) (i) above.
- g) A parish may not be able to offer a full Living. In such circumstances:
 - (i) At the beginning of a Ministry, the Archdeacon must meet with the parish representatives and the clergy person to agree the amount of Living provided by the parish.
 - (ii) The Archdeacon must ensure the ministry commitment is commensurate with the Living which is proposed.
 - (iii) The Archdeacon must review the partial Living and confirm it is commensurate with the ministry commitment of time.

2. Memorandum of Understanding

- a) A Memorandum of Understanding detailing the components of the Living must be established for every clergy person at the time of appointment and must be approved by the Bishop or the Bishop's Delegate.
- b) A copy of the signed Memorandum of Understanding must be provided to the Diocesan Office at the commencement of the ministry.
- c) A standard Memorandum of Understanding is set out in the Parish Handbook.
- d) Any arrangements for additional ministry services in other parishes are determined in consultation with and approved by the Bishop and advised in writing to the Diocesan office.

3. Insurances

- a) The Diocese must arrange and the parish must pay for the following insurances:
 - (i) Sickness and Accident Insurance
 - (ii) Workers Compensation
 - (iii) The details of the insurances are set out in Schedule 10 and in more detail in the Parish Handbook.

4. Establishment of a Ministry Covenant

- a) A Ministry Covenant setting out agreed expectations of the Bishop, parish and clergy person must be established at the start of each appointment.

- b) The Archdeacon is responsible for drafting the Covenant which must be signed by the clergy person, two wardens representing the parish, and the Archdeacon.
- c) Each Ministry Covenant is approved by the Bishop.
- d) An example of this Ministry Covenant is included in the Parish Handbook.
- e) The Ministry Covenant must be reviewed by the parties to the Covenant after 12 months and thereafter every two years.

5. Monetary Component of the Living

- a) The monetary component of a Living, including the regional allowance and housing component (if any) and other deductions and payments, is paid on a monthly basis via the Diocesan payroll system.
- b) Any changes in stipends and allowances of a Living are advised to the parishes by the Diocese at the start of each calendar year.

6. Removal Expenses

- a) A clergy person who is required to move in order to take up an appointment in the Diocese, shall have their removal and travel expenses paid in full.
- b) The cost of such removal and travel shall be shared between the parish and the Diocese at a rate determined by Bishop-in-Council.
- c) Clergy who retire from an appointment in the Diocese but who remain in the Diocesan region may receive a contribution towards the cost of their removal. The rate of contribution is set by Bishop-in-Council.

7. Standard Leave Arrangements

- a) There are a range of leave arrangements available to clergy:
 - (i) Annual leave
 - (ii) Sick leave
 - (iii) Long service leave
- b) Other Leave after agreement by the Bishop
 - (iv) Parental leave
 - (v) Carer's leave
 - (vi) Compassionate leave
 - (vii) Study leave, up to two weeks each year

8. Annual Leave

- a) All licensed clergy shall take four weeks (28 days) annual leave including four Sundays.
- b) Where a licensed clergy person receives a Living, the payment will continue during the period of annual leave.
- c) All licensed clergy must take annual leave during a year which commences on the 1st July of one year and concludes on the 30th June of the following year.
- d) Leave cannot be carried forward from one annual leave period to another except with the explicit permission of the Bishop.
- e) All licensed clergy are granted 28 days' annual leave on the 1st July of each calendar year.
- f) Licensed clergy commencing an appointment during a year may take leave on a pro-rata basis depending upon the period of time between the appointment and the following 30th June.
- g) There shall be no monetary payment or allowances in lieu of leave.
- h) One month's notice of leave to be taken together with the period and arrangements for Sunday services shall be given in writing to:
 - (i) The Archdeacon
 - (ii) The Wardens
 - (iii) The Diocesan office

9. Transitional Arrangements

- a) Transitional arrangements will be necessary to cover the period between the calendar year arrangements under The Licencing Statute 2001-2009 and The Licencing Statute 2017.
 - (i) The period in question will be from the 1st January 2018 until the 30th June in that same year.
 - (ii) Existing arrangements for clergy to carry forward calendar year entitlements into the transition period will be unchanged.
 - (iii) All clergy will receive on the 1st January, 14 days leave entitlement for the period 1st January to the 30th June.
 - (iv) The transitional leave allowance of 14 days may be carried forward in part or whole after the conclusion of the transition period.

10. Sick Leave

- a) If the clergy person becomes ill and the illness is likely to incapacitate beyond three (3) days, a medical certificate is required and to be provided to the Diocesan Office.

- b) The wardens together with the Archdeacon must ensure all public services continue to be provided as required without interruption.
- c) Where a clergy person's illness continues beyond two weeks, the clergy person must comply with the requirements of the Diocesan Salary Continuance Insurance. Salary Continuance Payments for eligible clergy ensure the clergy person receives their full agreed Living during the period of illness and the parish is able to recoup the cost to put other ministry arrangements in place.

11. Parental Leave

- a) Arrangements for parental leave to be agreed by the Bishop on the advice of the Archdeacon after consultation with the wardens.

12. Carer's Leave

- a) Carer's leave is to be agreed by the Bishop on the advice of the Archdeacon after consultation with the wardens.

13. Compassionate Leave

- a) Compassionate leave is to be agreed by the Bishop with the advice of the Archdeacon and consultation with the wardens.

14. Long Service Leave

- a) Long Service Leave is provided for clergy in accordance with the terms of the General Synod Long Service Leave Canon 2010 and The Long Service Leave (Revision of Entitlement) Canon 2017 with effect from the 1st January 2018.
- b) Generally, clergy receive an entitlement to Long Service Leave after 10 years of continuous service. Thereafter it is in accordance with the additional ministry served.
- c) Three months' notice of the Long Service Leave to be taken together with the period and arrangements for Sunday services must be given in writing to:
 - (i) The Archdeacon
 - (ii) The Wardens
 - (iii) The Diocesan office

15. Study Leave

- a) Study leave is provided for up to two weeks (14 days) per annum for the purpose of supporting the clergy person and for professional and personal development. It is intended to develop a clergy person's ability to exercise their ministry.
- b) Study leave must be approved by the Bishop at least one month in advance of it being taken.

16. Spiritual Support and Leadership

- a) Clergy are urged to engage in spiritual reflection with appropriately qualified people and professional supervision approved by the Diocese to support them in their work.
- b) The Diocese will provide financial assistance for those wishing to engage with professional supervision approved by the Bishop.
- c) The financial assistance will be a reimbursement of 20 % of the cost of approved supervision.

17. Locum Priests

- a) A locum priest position is created where there is a vacancy in the parish and the nominations process is underway or about to commence, following the permanent departure of the previous incumbent.
- b) A locum priest is appointed by the Bishop.
- c) The extent and cost of the services is determined by agreement and held within a Ministry Covenant and Memorandum of Understanding including the details of the Living provided and any variation agreed. A formal signed copy will be provided to the Diocesan office for implementation.
- d) A locum priest must be provided with a Ministry Covenant which outlines the Ministry expectations during the Locum period. A formal signed copy will be provided to the Diocesan Office for implementation.
- e) In general, a locum priest must:
 - (i) Maintain existing ministries agreements
 - (ii) Ensure worship arrangements and keep the administrative support and links with the Diocese open and functioning well.
- f) A locum priest must not expect to start new projects, change ministries or services or make significant, material changes to the life of the parish community, without the agreement with the Bishop.
- g) All payments made to a locum priest are assessed as income for taxation purposes.

18. Sunday Supply Ministry

- a) A priest with A Permission To Officiate may be invited to conduct services in a parish on a Sunday.
- b) Payment for such services is made in accordance with the rates agreed by Bishop-in-Council.

19. Absence from Church Duties

- a) Apart from approved leave, no clergy person shall be absent from their usual parish duties without informing the wardens and Archdeacon as appropriate. (For more information, refer to the Parish Handbook).

20. Performance Development and Competency

- a) Continued professional development and improvements in performance by all clergy will be handled through the Performance Development and Competency framework contained in Schedule 6 of the Licencing Statute 2017-2019.

21. Length of Service

- a) The appointment and length of service for licenced Diocesan clergy will be determined by the Bishop.
- b) Reviews are carried out in accordance with the process agreed by Bishop-in-Council which is set out in the Parish Handbook.

22. Licenced Ministry Beyond the Age of 70 Years

- a) Clergy who wish to continue in licensed ministry beyond the age of 70 as set out in Clause 12 of The Licensing Statute 2017 are subject to particular review requirements.
- b) The review will determine the needs of the parish and the clergy person's capacity to fulfil the requirements of their ministry.

23. Permission To Officiate.

- a) The Bishop may grant a Permission To Officiate to a priest in Good Standing within the Diocese who is not licensed to any particular ministry.
- b) The Bishop may review the Permission To Officiate on a regular basis
- c) All clergy holding a Permission To Officiate must comply with all requirements of Safe Church and Faithfulness in Service.
- d) A priest may resign a Permission To Officiate at any time by giving written notice to the Bishop.
- e) The Bishop may decide to remove A Permission To Officiate and is not required to provide reason.

24. Private Use of Church Vehicles

- a) Licensed clergy actively engaged in parish ministry shall have private use of a church vehicle supplied as part of the Living.
- b) The purchase, maintenance and servicing of a parish car is the responsibility of the Parish Council and can be arranged through the Diocesan Fleet management arrangements.
- c) The care of the parish car is the responsibility of the clergy person. The clergy person shall keep it clean and tidy at all times and shall make sure it is serviced regularly by an approved service provider.
- d) The fuel needed for the private use of the vehicle outside of the parish will be paid for by the clergy person.

- e) Travelling outside of the parish for Diocesan purposes is not private travel and the fuel must be paid for by the parish.

25. Parish Buildings, including Rectory and Grounds Expenses

- a) The rectory is a private home and is to be treated in this manner by the Parish Council. The responsibilities of both priest and Parish Council concerning the good maintenance, care and insurance of the property are provided in detail in the Parish Handbook and in The Parochial Statute 2017.
- b) The care of the rectory and the grounds surrounding it shall be the responsibility of the clergy person and is part of their private home.
- c) Where expansive grounds with lawns, hedges and flowerbeds exist it shall be the responsibility of the Parish Council.
- d) The clergy person has no responsibility for the care of other parish buildings.
- e) It shall be the responsibility of the Parish Council to keep the church, the church hall and other such buildings together with the grounds surrounding them in a clean, safe and tidy condition at all times.

SCHEDULE 5

FAITHFULNESS IN SERVICE AND PROFESSIONAL STANDARDS STATUTE 2004

1. Faithfulness in Service

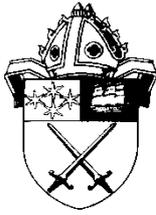
- a) All clergy are required to affirm and consent to the principles and actions held in the document 'Faithfulness in Service' by signing their agreement. This is a document provided by the General Synod of Australia and affirmed by the Diocese of Bunbury.
- b) Failure and breaches of this Code with its principles and values held and affirmed by clergy will cause action to be taken by the Bishop and the Bishop-in-Council to restore good performance and right relationships which are valued highly by the Diocese and in the sight of God.
- c) All clergy are expected to abide by the Policies and Procedures of the Diocese, and use them appropriately.

2. Professional Standards Statute 2004

- a) The Professional Standards Statute 2004 applies in the Diocese of Bunbury.

3. Declaration

- a) All clergy holding the Bishop's Licence are required to sign the Declaration concerning the documents known as Faithfulness in Service and The Professional Standards Statute 2004 to affirm and consent to the principles and actions contained within them.



THE DIOCESE OF BUNBURY

DECLARATION

For Clergy holding the Bishop's Licence

It is a requirement of the Diocese that each person holding the Bishop's licence should comply with Faithfulness in Service. In addition, The Professional Standards Statute 2004 provide the principles, standards and behaviour expected of all clergy.

DECLARATION

I, (Full name) being a Cleric in good standing within the Diocese of Bunbury, do solemnly declare I have received a copy of 'Faithfulness in Service' and The Professional Standards Statute 2004 and hereby commit to abide by them.

Dated this day of 20

Name in full

Signature

SCHEDULE 6

PERFORMANCE DEVELOPMENT, COMPETENCY AND CAPACITY

1. Competency and Proficiency

- a) Competency and proficiency in the work of the clergy is essential to the life of the parish and the Diocese of Bunbury. Competency for clergy includes compliance with:
 - (i) Faithfulness in Service
 - (ii) The Professional Standards Statute 2004
 - (iii) The Ministry Covenant
 - (iv) The Diocesan Tribunal Statute 1985-2013
 - (v) The Statutes with their current governance and administrative skills
 - (vi) Theological study and ongoing learning
 - (vii) The Safe Ministry to Children Canon 2017 and all Safe Church requirements of the Diocese
- b) Further information on the above is provided in the Parish Handbook.

2. Performance Competency and Proficiency Framework

- a) A performance, competency and proficiency framework is set by the Bishop-in-Council.
- b) The current framework is contained in the Parish Handbook.

3. Matters which cause concern

- a) Certain concerns of a serious nature, are subject to the provisions of The Tribunal Statute 1985-2013 and the Professional Standards Statute 2004. See Clause 9 of this Schedule for the detail of such matters
- b) Criminal, Professional Standards, Serious Misconduct, Abuse and Negligence matters, are Serious Complaints.
 - (i) Serious complaints arise out of possible illegal activities, serious misconduct, abuse including family violence and negligence. Hereafter, these are called Serious Complaints. These must immediately be referred to the Professional Standards Committee, the Police and other legal bodies as required by the laws of Australia and the State. The Professional Standards processes will be followed where these apply.
- c) Performance development and competency concerns must be raised with the Archdeacon where conduct or performance is perceived to be not yet competent.

- d) Such concerns may have arisen over a period of time; alternatively, a single act, omission, event may be sufficiently serious to bring the matter to the attention of the Archdeacon or the Bishop.
- e) The Archdeacon may institute an inquiry for any concern and provide a report to the Bishop with recommendations as a process.
- f) The Bishop in any matter will make the final determination in terms of process to be used and the recommendations and decision made regarding the outcome for the concern.
- g) If a concern is raised concerning an Archdeacon, the Bishop must appoint another Senior Cleric to fulfil the Archdeacon's responsibilities as set out in this Schedule.
- h) Any appeal to the recommendations will be made in writing by the clergy person.
- i) The Bishop must consider all appeals.
- j) The Bishop's decision is final.

4. Steps to achieve competency and restoration of relationships

- a) The aim of the process is to achieve competency and restore relationships. The following process shall be used to ensure a timely and restorative approach:
 - (i) All conversations between the Archdeacon, the clergy person, the complainant and other interested parties must be conducted with appropriate confidentiality.
 - (ii) A concern must be raised with the Archdeacon. This concern may be raised by any person.
 - (iii) Wardens must inform the Archdeacon of any matters they believe cannot be resolved locally.
 - (iv) The Archdeacon must ascertain the extent to which the clergy person has been made aware of the concern.
 - (v) The Archdeacon must inform the clergy person of the concern and must provide the clergy person with written details of the concern in a face to face meeting within five working days of the matter being raised with the Archdeacon.
 - (vi) The Archdeacon must make appropriate pastoral arrangements for the clergy person, the parish and the complainant.
 - (vii) The clergy person must give an initial response to the Archdeacon in a meeting to be held within two working weeks of the initial meeting.
 - (viii) Following the meeting with the clergy person, the Archdeacon may:

- a) Recommend to the Bishop the clergy person be stood aside for a period
 - b) Arrange for further investigation
 - c) Arrange for mediation
 - d) Conclude no further action is required.
- b) The Archdeacon must provide the Bishop with regular reports on the matter together with any recommendations the Archdeacon wishes to make.

5. Standing Aside

- a) Being stood aside does not mean a sanction and must not be treated as such. It is used in the following manner:
 - (i) To facilitate the carrying out of any enquiries or formal investigation
 - (ii) To prevent damage to persons or property
 - (iii) Where the complaint or concern is serious enough to be viewed as a Tribunal complaint or a Serious Complaint.
 - (iv) Where it is considered to be in the interest of, or for the protection of other clergy or lay employees or volunteers or other vulnerable and affected individuals.

6. Concerns Remain Unresolved

- a) Concerns may remain unresolved by reason of:
 - (i) Unsuccessful mediation
 - (ii) Failure to achieve competency
- b) Where concerns remain unresolved, the Bishop may consider a period of suspension or removal of licence.

7. Consequences and Outcomes Where Concerns Remain Unresolved.

- a) Following an investigation, recommendations are made to the Bishop and may include any of the following:
 - (i) No case to answer and therefore no further action and full restoration to duties.
 - (ii) Oral warning which will remain on the clergy person's record for three months
 - (iii) First written warning which will remain on the clergy person's record for six months
 - (iv) Second written warning which will remain on the clergy person's record for six months
 - (v) Final written warning which will remain on the clergy person's record for twelve months
 - (vi) Suspension from office

- (vii) Removal of licence.
- (viii) Should further concerns arise during an investigation or a period of warning or suspension, the matter must be reconsidered.

8. Appealing the decision

- a) The Bishop in any matter will make the final determination in terms of process to be used and the recommendations and decision made regarding the outcome for the concern.
- b) Any appeal to the recommendations will be made in writing by the clergy person. The Bishop must consider all appeals.
- c) The Bishop's decision is final.

9 Other Complaints – Tribunal Complaints

- a) These include those matters covered by the Bunbury Diocesan Tribunal Statute 1985-2013 which affect clergy. Hereafter these are called Tribunal complaints. The Tribunal Statute processes will be followed. Such matters include:
 - (i) Unchastity
 - (ii) Drunkenness
 - (iii) Habitual wilful neglect of duty after written admonition by the Bishop
 - (iv) Wilful failure to pay just debts
 - (v) Conduct disgraceful in a Christian and productive of scandal or evil report. This can include malicious and harmful gossip.
 - (vi) Wilful neglect of the weekly worship of the church
 - (vii) Any offence punishable by law being a notable crime
 - (viii) The preaching or teaching of heresy or heretical practice
 - (ix) The practice of magic or sorcery and or any offences related to this
 - (x) The wilful misuse or theft of church monies or funds or church property
 - (xi) The wilful failure to observe and practise the laws and statutes of the Diocese
 - (xii) The wilful and deliberate disobedience to the Bishop and their instructions
 - (xiii) Any other offences as may be specified by any Statute, Ordinance or Rule.
- b) 'Wilful' means knowingly and purposefully choosing not to comply with a reasonable request repeated at least three times with explanations and

expectations set out verbally and followed up in writing, and demonstrates a consistent pattern of refusal to comply.

SCHEDULE 7 INCAPACITY OF A CLERGY PERSON

1. Incapacity to Act Where the Clergy Person is Deemed Incapable By a Court, Tribunal or Other Body

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

2. Suspected Incapacity Reported to the Bishop

- a) If five members of the Parish Council or other Diocesan organisation to which the clergy person belongs consider on reasonable grounds the clergy person may be incapable due to mental or physical incapacity, those members may in writing report that opinion to the Bishop.
- b) The Bishop, upon receiving that report, may appoint a panel to inquire into the matters that are the subject of the report

3. Panel of Inquiry

- a) The panel of inquiry appointed by the Bishop shall consist of at least three people appointed by the Bishop, one of whom shall be a medical practitioner and another a qualified legal practitioner.
- b) The Bishop shall appoint one of the members of the panel to be its chair but otherwise the panel shall determine its own procedure.
- c) The panel has the right to seek information relating to the clergy person's current medical condition and will receive permission from the clergy person where it is relevant for the enquiry; and, in addition, may require the clergy person to attend to a medical practitioner of its choosing and the Diocese will pay the costs of such consultations.
- d) A panel appointed under this Statute will report to the Bishop within two months of being appointed or within a period that the Bishop may determine.
- e) The Bishop shall:
 - (i) Send a copy of the report to the clergy person, and
 - (ii) If the panel's report states there are reasonable grounds for considering the clergy person is incapable, the Bishop shall in writing ask for the clergy person to respond within ten working days of receiving a copy of the report to provide a written response and attend a meeting if required.

4. Recommendation of Termination of the Licence due to Incapacity

- a) If the panel of inquiry reports there are reasonable grounds for considering the clergy person incapable on the grounds of mental or physical ill health, the Bishop may by notice to the clergy person terminate the licence.
- b) The Bishop shall cause a copy of that notice to be given to the Diocesan Registrar and Secretary, the Parish Council and the Metropolitan.
- c) The termination ceases to have an effect upon determination by the panel of inquiry appointed under Clause 3 of this Schedule that the clergy person is not incapable.
- d) The termination has effect as to cease the payment of any Living and emoluments effective immediately unless the Bishop determines differently.

5. Appeal against the determination of ‘Incapable’

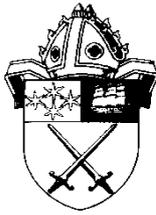
- a) The Bishop in any matter will make the final determination in terms of process to be used and the recommendations and decision made regarding the outcome for the grounds of incapacity.
- b) Any appeal to the recommendations will be made in writing by the clergy person.
- c) The Bishop must consider all appeals.
- d) The Bishop’s decision is final.

SCHEDULE 8

THE PARISH HANDBOOK

1. The Parish Handbook provides the Customary Rules and information needed by clergy, lay leaders and parishioners for working on a daily basis in their individual parishes or ministries.
2. The Parish Handbook will be updated from time to time by the Diocesan Office to ensure clergy, lay leaders and parishioners are supported and advised at all times about wise pastoral practice for their parishes together with the latest policies and procedures by the Diocese in relation to the Living and Ministry practice.
3. The Safe Church Handbook is updated from time to time by the Diocesan Office to ensure clergy, lay leaders and parishioners are supported and advised at all times concerning their obligations to maintain their Safe Church Compliance requirements and implement the necessary policies and procedures as part of their licence responsibilities.
4. The Parish Handbook and Safe Church Handbook are
5. available on the Diocesan website and when updated a notice will be sent out to all clergy persons, wardens and parishes.

SCHEDULE 9



**THE DIOCESE OF BUNBURY
LAY MINISTER NOMINATION FORM**

To the Right Reverend, The Bishop of Bunbury

I,

Priest of the Parish of

Nominate this person:

Name.....

Address.....

Occupation.....

Of whose Christian life and witness I am satisfied, and request this person to be licenced as a Licenced Lay Minister to exercise the following ministries:

.....

having had this application read out on the last three Sundays at all Services of Public Worship in this parish, on these dates:; and; and, having brought this nomination to the attention of the parish council on day of 20.....; and having sought feedback and comment to be provided to the Bishop of the Diocese of Bunbury directly, or through the wardens; and, having ensured all comments received are attached to this nomination.

Date of Nomination:

Signed:

Printed:

Priest of the Parish of.....

Signed:..... **Name:**

DECLARATION

I, nominated to the Office of Licensed Lay Minister in the parish of in the Diocese of Bunbury promise I will conform to the order of service laid down in the Book of Common Prayer, or in A Prayer Book for Australia.

I confirm I am a confirmed communicant member of the Anglican Church and I comply with the requirements of a Voting Parishioner.

I accept the order and discipline of the Anglican Church of Australia and will comply with the regulations and instructions of the Bishop and of the Priest of the Parish.

I will conform and comply with all directions and requirements of Safe Church and as they are updated by the Bishop and its obligations in the community of the people of God and will conform to the Diocese of Bunbury's Code of Conduct as an example of my Christian life in this community.

I will return my licence to the Bishop when called upon to do so.

This licence is to be renewed every three years on the anniversary of each new triennium of Synod.

As witness my hand thisday of.....

Signed by the Nominee:.....

Full Name Printed:

In the presence of Priest

SCHEDULE 10

INSURANCES

1. Sickness and Accident Insurance

- a) The Bishop-in-Council through The Bunbury Diocesan Trustees (hereinafter called the Trustees) shall effect insurance of the Bishop and all clergy persons and personnel holding the Bishop's Licence for work in the Diocese under the provisions of the Workers Compensation Act of the State of Western Australia.
- b) The Bishop-in-Council through the Trustees shall also effect comprehensive insurance of all parochial clergy and such other persons as it may from time to time determine, against sickness, disease and accident. (See Section e) of this Schedule).
- c) The costs of such insurance shall be shared between the Trustees, the parish and the individual as shall be determined by the Bishop-in-Council.
- d) The benefits of such policies shall be paid to the body responsible for the stipend and Living of the person insured for as long as that body remains responsible for providing the emoluments of the disabled person. The same principle shall apply pro rata during periods of partial disability.
- e) Such policies must attempt (inter alia) to secure disability payments approximately equivalent to the values of the Insured's total weekly emoluments over the twelve months of the period of total or partial disablement.
- f) The responsibility of a Parish Council or other body to continue to provide accommodation for a clergy person or other employee and to pay stipend or salary through this system shall, after consultation with the Bishop-in-Council, cease when the period of disability has extended beyond twelve calendar months.
- g) If pursuant to Clause 1 f) the responsibility of the Parish Council or other body to pay stipend or the salary ceases, then the Trustees shall not be obliged to pay A Living or salary or provide any other benefits.
- h) A clergy person who voluntarily participates in activities which might invalidate a claim under Diocesan Accident and Sickness Insurance Policies must make private arrangements to cover these activities.

2 Workers Compensation Insurance

- a) Workers' Compensation Insurance is provided for all paid clergy of the Diocese.
- b) Honorary clergy are covered by the Volunteer Workers cover.

3 Other Insurances

- a) The Diocese maintains a range of insurance policies. These are available through the Diocesan office and a list is provided in the Parish Handbook.