

CLERGY APPOINTMENT AND LICENSING STATUTE 2021

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To provide for the licensing and appointment of clergy to parishes and allied ministries, and the status, functions and obligations of clergy.

BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows

PART 1 PRELIMINARY

1 Short Title

1.1 This Statute shall be cited as the "Clergy Appointment and Licensing Statute 2021".

2 Repeal

2.1 The Clergy Appointments Statute 1996, Clergy Retiring Age Statute 2003, The Regulation of the Institution of Clergy Statute 1903, and the Ordination of Men and Women as Priests Statute 1989-1991 are repealed.

3 Interpretation

3.1 In this Statute, unless the context or subject matter otherwise requires:

assistant curate means a newly ordained deacon or priest duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

assistant priest means a member of the clergy in priest's orders duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

curate means a member of the clergy in priest's orders duly licensed by the Archbishop to have the cure of souls in the parish;

incapacity means medical incapacity and includes a physical, mental, emotional, social or behavioural condition that is recognised by experts in medicine or psychology which substantially prevents a member of the clergy from performing the duties and responsibilities associated with their appointment;

organisation includes a relevant agency, institution, organisation or school which contains an allied ministry;

Priest-in-Charge means a member of the clergy duly licensed by the Archbishop to perform the duties of a Priest-in-Charge as prescribed by this Statute;

professional supervision means a formal process that provides professional support to enable members of the clergy to develop their knowledge and competence;

Rector means a member of the clergy duly licensed by the Archbishop, without limitation, to perform the duties of a Rector as prescribed in this Statute;

restorative engagement means a facilitated process in which people affected by an act of harm and/or events which has led to conflict meet together voluntarily in a facilitated group conference to explore what has happened, how people have been affected, and to collaboratively decide what is necessary to repair harm, prevent recurrence and reset (renew or release) relationships;

spiritual direction means spending time with a spiritual director, approved by the Archbishop, to deepen and expand a relationship with God. It is not psychotherapy or counselling.

3.2 In this Statute, unless the context or subject matter otherwise requires, terms defined in the Interpretation Statute 2016 have the same meaning as in that statute.

4 Application to the Cathedral

4.1 This Statute applies to all clergy licensed by the Archbishop to the Cathedral, including the Dean, but does not apply to:

- (a) vacancies in the office of Dean of the Cathedral; and
- (b) the election of the Dean.

4.2 Subject to section 4.1, for the purposes of this Statute the term parish includes the Cathedral.

PART 2 - ORDINATION

5 Ordination

5.1 Clergy will be ordained or received into ministry and licensed subject to, and in accordance with the:

- (a) Canon Concerning Holy Orders 2004,
- (b) Holy Orders (Reception into Ministry) Canon 2004,

- (c) Oaths, Affirmations, Declarations and Assents Canon 1992,
 - (d) Defence Force Ministry Canon 1985,
 - (e) Archdeacons Canon 1995,
 - (f) Ordination of Women to the Office of Deacon Canon 1985,
 - (g) Holy Orders (Removal from Exercise of Ministry) Canon 2017,
- and any other relevant Canons or Statutes from time to time.

5.2 Notwithstanding any other law of the Church, a person may be ordained in the order of bishop, priest or deacon in this Diocese in accordance with the form appropriate to that order set out in the ordinal included in the *Book of Common Prayer* or in the ordinal included in *An Australian Prayer Book* or *A Prayer Book for Australia* or in accordance with any other form appropriate to that office and approved for use in the Church.

PART 3 – APPOINTMENT

6 Appointment by the Archbishop

6.1 The Archbishop alone has the right to appoint a member of the clergy to a parish.

6.2 Prior to the appointment of any member of the clergy to a parish, the Archbishop or the Archbishop's nominee will:

- (a) inspect, or cause the inspection of, the national register and/or the registers of any participating dioceses whose synods have enacted professional standards legislation, to ensure that there are no matters of concern recorded in relation to a nominee who is licensed in another diocese; and
- (b) undertake, or cause to be undertaken, all background checks, screenings or clearances required by any statute or policy in relation to the nominee.

PART 3.1 - PARISHES

7 Vacancy in a Parish

7.1 A vacancy in a parish is deemed to occur:

- (a) three (3) months prior to the actual date of resignation or retirement where the Rector or Priest-in-Charge gives more than three (3) months' notice of their resignation or retirement or upon the date of such notice when less than three (3) months' notice is given;
- (b) when the Rector or Priest-in-Charge ceases active ministry in the parish; or
- (c) in all other cases, immediately upon the Rector or Priest-in-Charge ceasing to hold office in the parish whichever is the earlier.

7.2 The Archbishop will advise the members of the Diocesan clergy of any vacancy in a parish within a reasonable time of such vacancy occurring.

8 Locum Tenens

8.1 When:

- (a) a vacancy occurs in a parish, or
 - (b) the Rector or Priest-in-Charge is stood aside or suspended, or
 - (c) the Rector or Priest-in-Charge is absent from the parish for a prolonged period,
- the Archbishop or Archbishop's nominee may, after consultation with the parish council, appoint a Locum Tenens.

8.2 The appointment of a Locum Tenens may be for a specific time or for the duration of the vacancy, standing aside, suspension or absence and may be either full-time or part-time.

8.3 The stipend and emoluments of a Locum Tenens shall be in accordance with the policies of the Diocese.

8.4 An assistant priest or assistant curate appointed and licensed to the parish at the time any of the events listed in section 8.1 occurs may be appointed Locum Tenens.

8.5 Where, at the conclusion of the tenure of a Locum Tenens, no permanent appointment has been made to the parish, the term of the Locum Tenens may be renewed or extended or a new Locum Tenens appointed.

8.6 Unless otherwise approved by the Archbishop, any Locum Tenens appointed to a parish will not be eligible for permanent appointment to the parish.

9 Parish Vacancy Consultation

9.1 Prior to the first meeting of the Board of Nominators or Consultation Committee, unless the Archbishop otherwise directs, the Archbishop or the Archbishop's nominee will arrange for a vacancy consultation to be held in the parish.

9.2 A report of the consultation will be prepared, and copies made available to the Board of Nominators or Consultation Committee in time for its first meeting and to all members of the clergy who expressed interest in being considered for appointment to the parish.

10 Right of Nomination

10.1 A parish will possess a right of nomination if, at the time of its inauguration or of a vacancy occurring in the parish, it has:

- (a) paid in full the stipend due to the outgoing member of the clergy;
- (b) satisfied the Archbishop of its ability to provide:
 - (i) the minimum stipend and other allowances prescribed by Diocesan Council and

- (ii) a suitable rectory or residence within the parish or within a reasonable distance of the parish or, in lieu thereof, a housing allowance in accordance with any policy; and
- (c) paid to the Diocese all assessments, interest on loans, insurances and all other sums due to the Diocese except arrears of capital repayments (if any) on loans from the Diocese which have been deferred with the Diocesan Council's approval.

11 Board of Nominators

- 11.1 Where a parish has the right of nomination, the Board of Nominators responsible for nominating members of the clergy to the Archbishop to fill any clerical vacancy that occurs in the parish consists of:
- (a) the Archbishop or the Archbishop's nominee;
 - (b) the Archdeacon of the archdeaconry concerned or, if the Archdeacon is unavailable, a member of the clergy from within the Diocese nominated by the Archbishop;
 - (c) two clerical nominators being members of the clergy chosen from a panel of ten (10) clergy who are members of Synod and elected by Synod during the first session thereof; and
 - (d) four (4) lay enrolled members of the parish, including a warden, who have been elected as Nominators of Clergy in accordance with the Parish Governance Statute.

12 Vacancies in the Board of Nominators

- 12.1 Once the Board of Nominators has been convened, the members of the Board then serving will, unless they resign, become incapacitated or leave the parish, remain on the Board until the Board's work is completed. Any new Nominators of Clergy elected after a Board has been convened will not take up their office until after the Board's work is completed.
- 12.2 Casual vacancies of members of the Board of Nominators will only be filled when required to maintain a quorum.
- 12.3 Casual vacancies that occur in the Board of Nominators and need to be filled to maintain a quorum must, in the case of clerical nominators, be filled by the Archbishop or Archbishop's nominee from the panel of clerical nominators and, in the case of Nominators of Clergy, be filled by the parish council.

13 Role of the Board of Nominators

- 13.1 The role of the Board of Nominators is to select and nominate to the Archbishop a member of the clergy in priest's orders to fill a clerical vacancy in a parish.
- 13.2 The Board of Nominators will have six (6) months to select and nominate a member of the clergy in priest's orders to the Archbishop.
- 13.3 If the Archbishop does not accept a nomination by the Board of Nominators, the Board must select another priest for nomination to the Archbishop. The Archbishop's decision with regard to a nomination will be final and the Archbishop will not be required to disclose any reasons for that decision.
- 13.4 Should the nominee not accept the nomination, the Board must select another priest for nomination to the Archbishop.
- 13.5 If the Archbishop or nominee does not accept the nomination and the identification and nomination of another priest may significantly delay the nomination process, the Archbishop may extend, for a reasonable period, the time in which the process must be completed.
- 13.6 If no member of the clergy is nominated within six (6) months from the date on which the Board of Nominators first meets and no reason is provided for the delay to the satisfaction of the Archbishop, responsibility for the nomination of a member of the clergy to fill a vacancy in the parish will vest in the Archbishop.
- 13.7 If no member of the clergy is nominated within six (6) months from the date on which the Board of Nominators first meets but the Archbishop is satisfied that the delay is justified in the circumstances, the Archbishop may, for a reasonable period, extend the time for the process to be completed.
- 13.8 If the Archbishop is satisfied with the suitability of the nominee for the parish, and the nominee passes the probity checks required under section 6.2, and if the Archbishop is prepared to licence that person as Rector or Priest-in-Charge, the Archbishop will invite the nominee to take up the appointment to the parish.

14 Procedure and Meetings of the Board of Nominators

- 14.1 The Archbishop or Archbishop's nominee will fix a date and summon the Board of Nominators within one (1) month of a vacancy occurring in a parish.
- 14.2 The first meeting of the Board of Nominators must occur within three (3) months of the vacancy occurring in the parish.
- 14.3 The quorum for meetings of the Board will be four (4), two (2) of whom must be Nominators of Clergy.
- 14.4 The Archbishop or Archbishop's nominee will be the chairperson, preside over all meetings of the Board of Nominators, and will have an original and a casting vote.
- 14.5 Individual members of the clergy may express an interest to the Archbishop in being considered for nomination by the Board of Nominators to fill a vacancy in a parish. The Archbishop must present the names of members of the clergy expressing an interest to the Board of Nominators. The Archbishop may make any comments on the members of the clergy expressing an interest which the Archbishop considers appropriate.
- 14.6 If a member of the clergy who is also a member of the Board of Nominators wishes to be considered to fill the clerical vacancy in the parish that nominator must resign from the Board of Nominators prior to expressing an interest under section 14.5.
- 14.7 The Board of Nominators may consider any priest in addition to those who express interest in filling a vacancy in a parish.

- 14.8 The Board of Nominators may meet with anyone who expresses an interest in filling a vacancy in a parish as well as any other potential nominee.
- 14.9 The chairperson of the Board must make all arrangements associated with meeting those to be considered for nomination. For the avoidance of doubt, meetings may be conducted by teleconference or an alternative electronic medium.
- 14.10 The parish will bear the reasonable expenses incurred by those being considered for nomination attending a meeting with the Board of Nominators.
- 14.11 Any priest who is under consideration by the Board of Nominators may not approach the Board or its members concerning a nomination unless invited to do so by the chairperson of the Board.
- 14.12 Members of the Board of Nominators must maintain strict confidentiality concerning the Board's proceedings except that the parish may be kept informed, in general terms, of progress without the identity of possible nominees or of any parishes involved being divulged.
- 15 Consultation Committee**
- 15.1 Parishes without the right of nomination will have a Consultation Committee to consult with the Archbishop, or the Archbishop's nominee, prior to the appointment by the Archbishop of a member of the clergy to fill any clerical vacancy within the parish. The Consultation Committee will consist of four (4) lay enrolled members of the parish, including a warden, who has been elected as Nominators of Clergy in accordance with the Parish Governance Statute 2016.
- 16 Role of the Consultation Committee**
- 16.1 The Consultation Committee will consult with the Archbishop, or the Archbishop's nominee, regarding the appointment of a member of the clergy to fill a clerical vacancy in the parish.
- 16.2 The Archbishop or Archbishop's nominee will convene a meeting with the Consultation Committee within three (3) months of a vacancy occurring in a parish.
- 16.3 Individual members of the clergy may express an interest to the Archbishop in being considered for appointment to the parish to fill a vacancy in a parish. For the avoidance of any doubt the Archbishop is not required to present the names of members of the clergy expressing an interest to the Consultation Committee.
- 16.4 The Consultation Committee may propose to the Archbishop, or the Archbishop's nominee, names of members of the clergy for appointment to the parish. For the avoidance of any doubt, names proposed to the Archbishop, or the Archbishop's nominee, are not a nomination and the Archbishop, or the Archbishop's nominee, is not required to take any steps following such a proposal.
- 16.5 Prior to the Archbishop making an appointment under section 6, the Archbishop, or the Archbishop's nominee, will meet with the Consultation Committee to discuss the proposed appointment. For the avoidance of any doubt, the Consultation Committee cannot veto any appointment made by the Archbishop.
- 16.6 Any member of the clergy who is under consideration by the Archbishop must not approach the Consultation Committee or its members unless invited to do so by the Archbishop.
- 16.7 Members of the Consultation Committee must not approach a member of the clergy being considered by the Archbishop for appointment to the parish unless invited to do so by the Archbishop.
- 16.8 Members of the Consultation Committee must maintain strict confidentiality concerning the committee's meetings except that the parish may be kept informed, in general terms, of progress without the identity of members of the clergy under consideration or of any parishes involved being divulged.
- 17 Appointment of Assistant Curate, Assistant Priest and Deacon**
- 17.1 The Archbishop may, with the consent of the Rector or Priest-in-Charge and the parish council, appoint a member of the clergy as assistant curate or assistant priest, to work in association with the Rector or Priest-in-Charge, in the parish.
- 17.2 The Archbishop may, with the consent of the Rector or Priest-in-Charge and the parish council, appoint a member of the clergy in deacon's orders as deacon to work, in association with the Rector or Priest-in-Charge, in the parish.
- 17.3 Where a Rector or Priest-in-Charge considers that the appointment of an assistant priest or deacon to their parish is desirable they must consult with the Archbishop, or the Archbishop's nominee, prior to advertising or approaching a member of the clergy about the proposed role. For the avoidance of any doubt the appointment of any member of the clergy to a parish in the Diocese is at the sole discretion of the Archbishop.
- 17.4 The appointment of an assistant curate, assistant priest or deacon may be on a full time or part-time basis. The appointment of an assistant curate, assistant priest or deacon may be stipendiary or non-stipendiary.
- 17.5 An appointment as assistant curate, assistant priest or deacon may be terminated by the Archbishop on the giving of at least 60 days' written notice to the member of the clergy, the Rector or Priest-in-Charge and the parish council. Prior to issuing the 60 days written notice the Archbishop will:
- (a) consult with the member of the clergy, the Rector or Priest-in-Charge, and the wardens regarding any proposed termination; and
 - (b) act in accordance with the principles of fairness and natural justice when terminating an appointment.
- 17.6 Where the Archbishop terminates the appointment of an assistant curate, assistant priest or deacon under section 17.5, the member of the clergy concerned and the Rector or Priest-in-Charge may ask the Archbishop to provide reasons for the decision. The reasons provided by the Archbishop will be confidential and must not be

disclosed to any other party except in accordance with the statutes or policies of this Diocese, with the written consent of both the Archbishop and the member of the clergy concerned, or as required by law.

17.7 An assistant curate, assistant priest or deacon may be paid out in lieu of the 60 days written notice provided for in section 17.5 at the discretion of the Archbishop.

18 Parish School Relationships

18.1 If a school and parish share the same Church building:

- (a) in the case of a parish with the right of nomination the Board of Nominators must consult with the principal and school chaplain prior to any nomination to the Archbishop with respect to the appointment of a member of the clergy to the parish;
- (b) in the case of a parish without the right of nomination the Archbishop or the Archbishop's nominee will consult the principal and school chaplain before an appointment is made; and
- (c) the Archbishop will consult with the school and the Rector or Priest-in-Charge and wardens of the parish prior to the appointment by the principal of a school chaplain.

18.2 If a school and parish share the same Church building the additional arrangements for the appointment of a member of the clergy to the parish or chaplain to the school may be set out in a memorandum of understanding between the school and the parish.

PART 3.2 – ALLIED MINISTRIES

19 Vacancy in an Allied Ministry

19.1 A vacancy in an allied ministry is deemed to occur:

- (a) three (3) months prior to the actual date of resignation or retirement where the member of the clergy gives more than three (3) months' notice of their resignation or retirement or upon the date of such notice when less than three (3) months' notice is given;
- (b) when a new allied ministry is established; and
- (c) in all other cases, immediately upon the member of the clergy ceasing to hold office.

19.2 When a vacancy occurs, the Archbishop or the Archbishop's nominee will consult with the organisation as to its requirements for the interim or permanent appointment of a member of the clergy to the organisation.

19.3 The Archbishop, in agreement with the chief executive officer of the organisation, may give notice to the clergy of the Diocese upon any vacancy occurring in an organisation.

20 Right of Nomination to an Allied Ministry

20.1 An organisation requiring a chaplain may nominate a member of the clergy to undertake that ministry or, in the absence of such nomination, seek the assistance of the Archbishop or the Archbishop's nominee to find a suitable candidate.

20.2 After consultation with the Archbishop or the Archbishop's nominee, the organisation may select a member of the clergy who satisfies its requirements and nominate that person to the Archbishop.

20.3 When a nomination for an allied ministry is received from an organisation, the Archbishop will:

- (a) inspect, or cause the inspection of, the national register and the registers of all participating dioceses whose synods have enacted professional standards legislation to ensure there are no matters of concern recorded in relation to a nominee who is licensed in another diocese; and
- (b) undertake, or cause to be undertaken, all background checks, screenings or clearances required by any statute or policy in relation to the nominee.

20.4 If the Archbishop is satisfied with the suitability of the nominee for the organisation, and the nominee passes the probity checks in section 20.3, and if the Archbishop is prepared to licence that person to undertake the ministry, the Archbishop will invite the nominee to take up the appointment to the allied ministry and inform the organisation accordingly.

20.5 Upon acceptance by the nominee, the Archbishop will licence that person to the organisation requiring the chaplaincy on the terms and conditions determined by the Archbishop (subject to section 34) and in accordance with any memorandum of understanding or protocol between the Diocese and the relevant organisation.

20.6 If the Archbishop declines to accept a nomination or appointment, the Archbishop's decision will be final and the Archbishop will not be required to disclose any reasons for that decision, however, the organisation requiring the chaplaincy may propose another member of the clergy to the Archbishop.

20.7 Should the nominee not accept the nomination, the organisation requiring the chaplaincy may, after consultation with the Archbishop, select another member of the clergy for nomination to the Archbishop.

21 Interim Appointments and Arrangements

21.1 Where:

- (a) a vacancy occurs in an organisation, or
 - (b) a member of the clergy in an organisation is stood aside or suspended, or
 - (c) a member of the clergy in an organisation is absent from the organisation for a prolonged period,
- the Archbishop may, after consultation with the relevant organisation, licence a member of the clergy as *Locum Tenens* to undertake the ministry during the vacancy, suspension or prolonged absence.

**PART 4 – FINANCIALLY UNSUSTAINABLE MINISTRIES
AND BREAKDOWN OF PASTORAL RELATIONSHIPS**

22 Current Role Financially Unsustainable

- 22.1 Financial unsustainability of a parish will be determined in accordance with the Parish Governance Statute 2016 and relevant Diocesan policies.
- 22.2 Where it is determined that the current appointment of a member of the clergy to a parish is no longer financially sustainable, the parish council may ask the Archbishop to conduct a Ministry Financial Sustainability Consultation.
- 22.3 Where the Archbishop considers that the current appointment of a member of the clergy to a parish is no longer financially sustainable, the Archbishop, or the Archbishop's nominee, may conduct a Ministry Financial Sustainability Consultation.

23 Ministry Financial Sustainability Consultation

- 23.1 Prior to commencing a Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, must give notice in writing to the parish council and Rector, Priest-in-Charge or member of the clergy that the Archbishop, or the Archbishop's nominee, considers that an appointment to the parish is financially unsustainable and that a Ministry Financial Sustainability Consultation will commence.
- 23.2 The notice issued under section 23.1 must be in writing.
- 23.3 A Ministry Financial Sustainability Consultation must be conducted in accordance with Diocesan policies and must include:
- (a) consultation with the parish council;
 - (b) consultation with the member of the clergy concerned;
 - (c) in the case of an assistant curate, assistant priest or deacon, consultation with the Rector or Priest-in-Charge of the parish;
 - (d) consideration of alternative models of ministry; and
 - (e) consideration of alternative terms of appointment.
- 23.4 The Ministry Financial Sustainability Consultation must be undertaken over a period of no less than one (1) month and no more than three (3) months.
- 23.5 At the end of the Ministry Financial Sustainability Consultation, the Archbishop, or the Archbishop's nominee, must advise the
- (a) the parish council;
 - (b) the member of the clergy concerned; and
 - (c) in the case of an assistant curate, assistant priest or deacon, the Rector or the Priest-in-Charge of the parish
- whether in the opinion of the Archbishop, or the Archbishop's nominee, the ministry continues to be financially unsustainable and whether alternative models of ministry or alternative terms of appointment are appropriate in the circumstances.
- 23.6 If after the completion of the Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, considers that the appointment of the member of the clergy to the parish remains financially unsustainable but an alternative ministry model or terms of appointment may be appropriate in the circumstances, the Archbishop in consultation with:
- (a) the parish council;
 - (b) the member of the clergy concerned; and
 - (c) in the case of an assistant curate, assistant priest or deacon, the Rector or Priest-in-Charge of the parish
- may vary the terms of appointment and reappoint the member of the clergy to the parish.
- 23.7 If after the completion of the Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, considers that the appointment of the member of the clergy to the parish remains financially unsustainable and no alternative ministry model or terms of appointment are appropriate in the circumstances, the Archbishop may, on giving three (3) months written notice to the member of the clergy, terminate the appointment to the parish.
- 23.8 Where the Archbishop terminates the appointment of a member of the clergy under section 23.7, financial and other assistance may be provided to the member of the clergy under section 44.
- 24 Breakdown of Pastoral Relationships**
- 24.1 Where a member of the clergy in a parish considers there has been a breakdown in the pastoral relationships in the parish, the member of the clergy may ask the Archbishop to refer the parish to a Ministry Support Committee.
- 24.2 Where a parish council considers there has been a breakdown in the pastoral relationships in the parish, the parish council may ask the Archbishop to refer the parish to a Ministry Support Committee.
- 24.3 Where the Archbishop considers that there has been a breakdown in the pastoral relationships in a parish, the Archbishop may refer the parish to a Ministry Support Committee.
- 24.4 Where the Archbishop receives a request under sections 24.1 or 24.2 the Archbishop may decline or accept the request.
- 24.5 For the purposes of this Statute a breakdown of pastoral relationships includes a breakdown of relationships between:
- (a) any member of the clergy and the parish or members of the parish; and,

- (b) any person in lay leadership within the parish and members of the parish such that the breakdown in relationship threatens the ministry of the parish

but does not include a breakdown in relationships between two or more members of clergy in the parish.

25 Ministry Support Committee

25.1 A Ministry Support Committee for a parish will consist of:

- (a) the Archbishop or the Archbishop's nominee,
 (b) the Archdeacon of the relevant archdeaconry, or if the Archdeacon is unavailable, a member of the clergy from within the Diocese nominated by the Archbishop,
 (c) the wardens of the parish or their nominee, and
 (d) one person nominated by the Rector or Priest-in-Charge of the parish who is not
 (i) a member of the clergy licensed to minister in the parish; or
 (ii) a member of the family of any clergy licensed to minister in the parish.

26 Purpose of the Ministry Support Committee

26.1 The aim of the Ministry Support Committee is to, as far as possible, facilitate the restoration of relationships and support ongoing ministry in the parish.

26.2 At all stages of the Ministry Support Committee's consultation and recommendations consideration must be given to the use of restorative engagement practices to facilitate the restoration of relationships and to support ongoing ministry in the parish.

27 Consultation by the Ministry Support Committee

27.1 If a reference concerning a parish is made to a Ministry Support Committee under this Part, the Ministry Support Committee must undertake a period of consultation to determine whether there is a breakdown in pastoral relationships in the parish and, if it finds that there is such a breakdown, whether it is an irretrievable breakdown.

27.2 Subject to section 29.1, the Ministry Support Committee must undertake its consultation under section 27.1 within three (3) months. The Ministry Support Committee may request an extension of time and the Archbishop may grant an extension of up to three (3) months if the Archbishop considers that an extension would facilitate the purposes of the Ministry Consultation Committee.

27.3 In determining whether there has been a breakdown of pastoral relationships in the parish the aim of the Ministry Support Committee is to restore relationships and support ongoing ministry in the parish (even if the committee finds an irretrievable breakdown in relationships may have occurred).

27.4 The Ministry Support Committee must give an opportunity to be heard to the member of the clergy, to any member of the parish and to any other person who, it considers, has a relevant interest in the matter.

27.5 Subject to this section a consultation conducted by the Ministry Support Committee must be conducted in accordance with the relevant policies of the Diocese.

28 Recommendations by Ministry Support Committee

28.1 After conducting a consultation in accordance with section 27 the Ministry Support Committee must advise the Archbishop if an irretrievable breakdown in pastoral relationships has occurred and any steps the Ministry Support Committee has taken to attempt to restore relationships and support ongoing ministry in the parish.

28.2 If the Ministry Support Committee advises that there is not an irretrievable breakdown in pastoral relationships in the parish, the Ministry Support Committee must advise the Archbishop what further consultation or other courses of action have been put in place to restore relationships in the parish and support ongoing ministry in the parish.

28.3 Where the Ministry Support Committee advises that a breakdown in a pastoral relationship in a parish has occurred, that it involves a member of the clergy and that it is irretrievable, the Archbishop may, on giving three (3) months written notice to the member of the clergy, terminate the appointment of the member of the clergy to the parish.

28.4 Where the Archbishop terminates the appointment of a member of the clergy under section 28.3 financial and other assistance may be provided to the member of the clergy under section 43.

29 Investigation by Professional Standards or Conduct Committee

29.1 Where a member of the clergy whose parish has been referred to a Ministry Support Committee has already been or is subsequently referred to either the Conduct Committee under the Clergy Discipline Statute 2021 or the Professional Standards Committee under the Professional Standards Statute 2021, the Ministry Support Committee must suspend the consultation pending the decision of the Conduct Committee or Professional Standards Committee.

30 Pastoral Leave

30.1 If the Archbishop refers a parish to a Ministry Support Committee the member of the clergy concerned may ask to take a period of pastoral leave at any time during a period of consultation by the Ministry Support Committee.

30.2 If the Archbishop refers a parish to a Ministry Support Committee and is satisfied that it is in the best interests of the parish or the member of the clergy concerned, the Archbishop may, after consultation with the relevant member of the clergy, arrange for the member of the clergy to take a period of pastoral leave at any time during a period of consultation by the Ministry Support Committee.

30.3 A period of pastoral leave taken under sections 30.1 or 30.2 will be for no more than two (2) weeks. The Archbishop may, in consultation with the Ministry Support Committee, extend the period of pastoral leave if the

Archbishop considers it is in the best interests of the member of the clergy or the parish. The cost of service supply or a Locum Tenens during this time will be met by the parish.

- 30.4 Where a member of the clergy takes a period of pastoral leave during a period of consultation by the Ministry Support Committee:
- (a) the member of the clergy will continue to be paid the usual stipend and entitlements and will not be required to take any personal, annual or other leave to cover the period of pastoral leave;
 - (b) the member of the clergy must co-operate with the consultation conducted by the Ministry Support Committee; and
 - (c) the taking of pastoral leave does not prejudice the finding of the Ministry Support Committee.

PART 5 - LICENSING

31 The Archbishop's Licence and Archbishop's Permission to Officiate

- 31.1 The Archbishop alone has the right to appoint and grant a licence or permission to officiate to a member of the clergy within the Diocese.
- 31.2 The Archbishop's licence is required for any clerical position within the Diocese.
- 31.3 The Archbishop's permission to officiate is required by any member of the clergy wishing to perform any public ministry within the Diocese and who does not otherwise hold an Archbishop's licence.
- 31.4 Clergy must not perform or carry out any duties of a ministerial, ecclesiastical or administrative nature within the Diocese without holding an Archbishop's licence or Archbishop's permission to officiate.
- 31.5 An Archbishop's licence may describe the holder of a licence as a Rector, Priest-in-Charge, Locum Tenens, assistant curate, assistant priest, chaplain or other clerical title in accordance with this statute and at the discretion of the Archbishop.
- 31.6 Where the member of the clergy is licensed as having the cure of souls of a parish they must be licensed as a Rector or Priest-in-Charge, provided that:
- (a) where a member of the clergy is appointed on a full-time basis to a parish with a right of nomination, the appointee will normally be licensed as a Rector. The appointee may be licensed as a Priest-in-Charge where the Archbishop in their discretion considers that to be appropriate in the circumstances, after consultation with the wardens of the parish.
 - (b) where a member of the clergy is appointed on a part time basis or is appointed to a parish without the right of nomination, the appointee will normally be licensed as a Priest-in-Charge. The appointee may be licensed as a Rector where, the Archbishop in their discretion considers that to be appropriate in the circumstances, after consultation with the wardens of the parish.
- 31.7 The Archbishop may vary the provisions of a licence or permission to officiate from time to time in accordance with this statute or the relevant licence after consultation with the member of the clergy.
- 31.8 Members of the clergy holding an Archbishop's licence are members of the Synod of the Diocese.
- 31.9 Member of the clergy holding the Archbishop's permission to officiate are not members of the Synod of the Diocese, unless elected or appointed in some other capacity.

32 Requirements for Archbishop's Licence and Archbishop's Permission to Officiate

- 32.1 Members of the clergy seeking an Archbishop's licence must present to the Archbishop:
- (a) on first admission into the Diocese, letters of orders or proof thereof;
 - (b) documents to meet all ChurchSafe requirements of the Diocese including the Professional Standards Statute 2021 and all relevant State and Federal legislative requirements; and
 - (c) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.
- 32.2 Prior to granting a licence the Archbishop will:
- (a) make enquiries and formally check references concerning the person, their character, their previous work and capacity and such other matters as the Archbishop determines;
 - (b) confirm that the member of the clergy is in good standing in the National Register of the Anglican Church; and
 - (c) confirm that the member of the clergy has complied with all requirements under the Safe Ministry to Children Canon 2017.
- 32.3 Members of clergy seeking permission to officiate who have previously held the Archbishop's licence must present to the Archbishop:
- (a) documents to meet all ChurchSafe requirements of the Diocese including all relevant State and Federal legislative requirements; and
 - (b) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.
- 32.4 Members of clergy seeking the Archbishop's permission to officiate who have not previously held the Archbishop's licence in this Diocese must present to the Archbishop:
- (a) letters of orders or proof thereof;
 - (b) a letter from the Bishop of the diocese in which they are currently resident confirming they are in good standing and meet the ChurchSafe or equivalent requirements of that diocese including all relevant State and Federal legislative requirements; and
 - (c) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.

- 32.5 Prior to granting a permission to officiate the Archbishop will:
- (a) make enquiries and formally check references concerning the person, their character, and any other matters as the Archbishop determines;
 - (b) confirm the clergy are of good standing with the National Register of the Anglican Church of Australia; and
 - (c) confirm that the member of the clergy has complied with all requirements under any relevant canon of the General Synod adopted in the Diocese.

33 Permission to Officiate

- 33.1 Where a member of the clergy holds the Archbishop's permission to officiate, the exercise of public ministry in a parish may only occur with the express consent of the Rector or Priest-in-Charge.
- 33.2 Where there is a vacancy in a parish a member of the clergy holding the Archbishop's permission to officiate may only exercise public ministry in that parish with the express consent of the Archdeacon of the archdeaconry where the parish is located or the Locum Tenens where a Locum Tenens has been appointed.
- 33.3 The Archbishop may revoke the Archbishop's permission to officiate at any time without providing reasons or notice. For the avoidance of doubt this section overrides any other relevant section of this Statute.

34 Notice of Terms and Conditions of Licence

- 34.1 The Archbishop will provide the member of the clergy with a copy of any terms or conditions to be included on the licence at the time the Archbishop invites them to take up an appointment.
- 34.2 The Archbishop will provide a copy of any terms and conditions to be included on the member of the clergy's licence, for information only, to:
- (a) in the case of a Rector or Priest-in-Charge, the wardens of the parish;
 - (b) in the case of an assistant priest or assistant curate, the Rector or Priest-in-Charge of the parish;
 - (c) in the case of a deacon, the Rector or Priest-in-Charge of the parish;
 - (d) in the case of a Locum Tenens, the wardens of the parish; and
 - (e) in the case of an appointment to an allied ministry, to the organisation or in accordance with any memorandum of understanding or protocol between the Diocese and the organisation.

35 Declarations

- 35.1 Clergy must make the oaths and declarations and subscribe to the canons, statutes and policies from time to time of the Diocese, including:
- (a) a Declaration and Assent to the Doctrines and Formularies of the Church, in the form set out in Schedule 2;
 - (b) an Oath of Canonical Obedience, in the form set out in Schedule 3; and
 - (c) an Assent to the Constitutions and Laws of the Church, in the form set out in Schedule 4,
- prior to taking up their first appointment or role within the Diocese and otherwise at the times or occasions stipulated in the Oaths Affirmations Declarations and Assents Canon 1992.

PART 6 – MAINTAINING A LICENCE

36 Maintaining a Licence

- 36.1 All clergy holding an Archbishop's licence must:
- (a) undertake regular safe ministry training in accordance with the statutes and policies of this Diocese;
 - (b) engage in professional development in accordance with the statutes and policies of this Diocese;
 - (c) engage in professional supervision and spiritual direction in accordance with the statutes and policies of this Diocese;
 - (d) participate in regular reviews of their ministry in accordance with the statutes and policies of this Diocese;
 - (e) comply with any Code of Conduct adopted by the Diocese and applicable to clergy; and
 - (f) comply with any lawful direction of the Archbishop.

37 Reviews

- 37.1 Reviews conducted under section 36.1 or required by a term of the Archbishop's licence must be conducted in accordance with the statutes and policies of this Diocese and must include consultation with:
- (a) the member of the clergy concerned;
 - (b) in the case of an assistant curate, assistant priest and deacon, the Rector or Priest-in-Charge of the parish; and
 - (c) in the case of parish ministry, the wardens of the parish, and may include consultation with anyone the reviewer deems to be appropriate.
- 37.2 The purpose of a review of ministry is to:
- (a) assist clergy to foster positive pastoral relationships within their ministry;
 - (b) offer encouragement and advice to members of the clergy;
 - (c) ensure that any conflicts or challenges receive appropriate attention or intervention;
 - (d) provide adequate resources and support to members of clergy;
 - (e) foster the safety and wellbeing of members of clergy and the people amongst whom they minister;
 - (f) address the suitability of members of clergy for their current appointment; and
 - (g) where relevant consider any existing Mission Plan.

- 37.3 The outcome of the review must be provided to:
- (a) the member of the clergy;
 - (b) in the case of an assistant curate, assistant priest or deacon, the Rector or Priest-in-Charge of the parish; and
 - (c) the Archbishop.
- 38 Breach of Licence**
- 38.1 Where the Archbishop has reason to believe that a member of the clergy holding an Archbishop's licence is in breach of any terms or conditions specified therein or is in breach of any other requirement of clergy holding an Archbishop's licence contained in a statute of this Diocese, the Archbishop may give notice to the member of the clergy:
- (a) informing them that they are in breach of any terms or conditions of the licence or other requirement under a statute of this Diocese;
 - (b) instructing the member of the clergy to remedy the alleged breach; and
 - (c) outlining the consequences if the member of the clergy fails to remedy the alleged breach.
- 38.2 Where the Archbishop issues a notice under section 38.1 the notice will be:
- (a) in writing;
 - (b) clearly identify the alleged breach;
 - (c) identify steps the member of the clergy must take to remedy the alleged breach; and
 - (d) provide a reasonable time period in which to remedy the alleged breach.
- 38.3 Where a member of the clergy fails to comply with a notice issued by the Archbishop under section 38.1 the Archbishop may make a complaint of misconduct under the Clergy Discipline Statute 2021.
- 38.4 For the avoidance of any doubt a notice by the Archbishop under section 38.1 is not intended as a disciplinary measure and any disciplinary measure associated with a breach of licence or a failure by the member of the clergy to comply with the Archbishop's notice under section 38.1 must be undertaken in accordance with the Clergy Discipline Statute 2021.

PART 7 - END OF LICENCE

- 39 Retired Clergy**
- 39.1 The Archbishop may license a retired member of the clergy as a Locum Tenens on terms and conditions endorsed on the licence and subject to the requirements of the statutes of this Diocese, including sections 36 and 37 of this Statute, and subject to any Diocesan policies.
- 39.2 The Archbishop may grant a permission to officiate to any retired member of the clergy, subject to the requirements of the statutes of this Diocese, and subject to any Diocesan policies. For the avoidance of doubt, the granting of a permission to officiate does not provide a member of clergy with a general licence.
- 40 Resignation and Retirement**
- 40.1 An Archbishop's licence will terminate upon the resignation or retirement of the member of the clergy to whom it applies.
- 41 Incapacity**
- 41.1 If a member of clergy demonstrates incapacity as defined in section 3.1 of this Statute, the Archbishop may revoke that member's licence on giving them three (3) months' written notice thereof provided that the Archbishop:
- (a) has consulted with the parish council; and
 - (b) has received a report confirming the member's incapacity from a panel comprising a member of the clergy, a medical practitioner and a clinical psychologist appointed by the Archbishop which has:
 - (i) consulted with the wardens of the relevant parish;
 - (ii) interviewed or sought to interview the member of clergy; and
 - (iii) where relevant, interviewed or sought to interview the spouse of other family members of the member of the clergy.
- 42 Unsustainable Ministries**
- 42.1 Where under section 22 the Archbishop considers that the appointment of the member of the clergy to the parish remains financially unsustainable and no alternative ministry model or terms of appointment are appropriate in the circumstances the Archbishop may, subject to section 23.7, revoke the member of the clergy's licence.
- 43 Irretrievable Breakdown of Pastoral Relationships**
- 43.1 Subject to section 28.3, the Archbishop may revoke the licence of a member of the clergy of a parish if a Ministry Support Committee advises the Archbishop that an irretrievable breakdown in pastoral relationships in the parish has occurred.
- 44 Revocation**
- 44.1 The Archbishop may revoke a licence in accordance with any recommendation under the:
- (a) Professional Standards Statute 2021;
 - (b) Clergy Discipline Statute 2021; or
 - (c) Offences Canon 1962-1968.

45 Financial Assistance to Members of Clergy

45.1 If the Archbishop revokes the licence of a member of the clergy under any of sections 41, 42 or 43, the Archbishop may appoint a suitable person to negotiate the provision of financial or other assistance to the member of the clergy.

45.2 The cost of assistance to a member of the clergy under section 45.1:

- (a) must not exceed the sum of the stipend and allowances paid to the member of the clergy during the last 12 months of appointment; and
- (b) subject to section 46, must be met as to one half by the parish and as to one half by the Diocese.

46 Despite section 45.2, the cost of assistance under section 45.1 must be met by the Diocese if the Archbishop, with the consent of the Diocesan Council, so determines.

47 Declaration as to Property

47.1 All clergy licensed in the Diocese must sign the declaration contained in Schedule 5.

SCHEDULE 1 – THE STATUS OF MEMBERS OF THE CLERGY

The nature and functions of members of the clergy in this Diocese can be found in the Ordinal of *A Prayer Book for Australia* and Diocesan statutes.

Having made the Assents and taken the Oaths required by the Canons of the General Synod of the Church and other relevant Diocesan statutes, members of the clergy are licensed by the Archbishop to perform ministry within the Diocese, in accordance with the conditions of the licence and as permitted by their orders.

Members of the clergy are office holders, called by God to the office and work of a bishop, priest or deacon in God's Church. The exact functions and obligations of the individual members of the clergy will vary, depending on the particular ministry to which they are called and licensed and whether they are bishops, priests or deacons.

SCHEDULE 2 - DECLARATION OF ASSENT TO DOCTRINE AND FORMULARIES

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 *Book of Common Prayer* and the Ordering of Bishops, Priests and Deacons and the Articles of Religion, as acknowledged in section 4 of the Constitution, and I believe that doctrine to be agreeable to the word of God.

I declare my assent to the Fundamental Declarations of The Anglican Church of Australia as set out in sections 1, 2 and 3 of the Constitution.

In public prayer and administration of the sacraments I will use the form prescribed in the Book of Common Prayer or a form authorised by lawful authority and none other.

Declared by: _____

Full name: _____

Dated:

Before me:

.....

*

* The Registrar.

SCHEDULE 3 – OATH OF CANONICAL OBEDIENCE

I, do swear that I will pay true and canonical obedience to the Archbishop of Perth and the successors of that Archbishop in all things lawful and honest. So help me God!

Declared by:

Full name: _____

Dated:

Before me:

.....

*

* The Registrar.

SCHEDULE 4 – ASSENT TO CONSTITUTION AND LAWS

I, do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitution of the Province of Western Australia and the Constitution Act of this Diocese, and by the canons, statutes and policies, however described, from time to time of this Diocese and of the General Synod and the Provincial Council which have force in this Diocese.

Declared by:

Full name: _____

Dated:

Before me:

.....

*

* The Registrar.

SCHEDULE 5 – DECLARATION AS TO PROPERTY

I, being duly licensed by the Archbishop DO HEREBY ENGAGE to give up to THE PERTH DIOCESAN TRUSTEES ("the Trustees"), at any time on demand by the Archbishop of Perth or the Trustees possession of all the real and personal estate and effects belonging to the Trustees which I may at the time of such demand hold or be entitled to including any Rectory or other building in which I may then reside provided that no such demand shall be made without the approval of the Diocesan Council in writing provided further that before such approval is given I shall have had the opportunity, if I so desire, of stating in the presence of the Diocesan Council any objection I may entertain to such demand being made, and I ACKNOWLEDGE AND DECLARE that I do and will hold possession of the said real and personal estate and effects as tenant at will of the Trustees and that I will in all respects conform to and abide by the provisions of all Statutes now or hereafter passed by the Synod of the Diocese of Perth, all policies approved by the Diocesan Council or the Trustees, and all resolutions now in force or which may be hereafter passed by the said Synod.

Declared by:

Full name: _____

Dated:

Before me:

.....

*

* The Registrar.