

**GENERAL SYNOD — USE OF CHURCH NAMES
CANON 1989
ADOPTING ORDINANCE 1990**

No. 36, 1990

AN ORDINANCE to adopt General Synod Canon No. 10, 1989.

WHEREAS:

A. The Use of Church Names Canon 1989 (hereinafter called "the Canon") was made by the General Synod of the Anglican Church of Australia in 1989.

B. A copy of the Canon is contained in the Schedule hereto.

C. It is expedient that the Canon be adopted by the Synod of this Diocese and that certain procedures be prescribed.

NOW the Synod of the Diocese of Sydney ordains as follows —

Adoption of Canon

1. The Synod hereby adopts the Canon.

Determination of Applications

2. Pursuant to Section 5 of the Canon, the Synod hereby prescribes that —

- (a) an application for a certificate under Section 4 of the Canon shall be in writing signed by or on behalf of the applicant or applicants; and
- (b) the fee to be paid at the time an application is made shall be \$100.

Citation

3. This Ordinance may be cited as the "General Synod — Use of Church Names Canon 1989 Adopting Ordinance 1990".

SCHEDULE

A Canon to regulate the use of names and descriptions relating to the Anglican Church of Australia.

WHEREAS provision is made by section 6 of the Anglican Church of Australia Act 1976 of the State of New South Wales that a person shall not, for the purposes of, or in connection with, any business, trade or profession use, or cause or permit to be used, names and descriptions relating to the Anglican Church of Australia unless the person is authorised to do so pursuant to a Canon of the General Synod.

AND WHEREAS this Church has, under the laws of the States and Territories of Australia, the right to restrain the passing off by a person of his or her activities as activities of this Church.

NOW the General Synod prescribes as follows:

Citation

1. This Canon may be cited as the "Use of Church Names Canon 1989".

Meaning of "Church name"

2. In this Canon, "Church name" means —
 - (a) each of the names or descriptions "Church of England", "Church of England in Australia", "Anglican Church of Australia" or "Anglican"; and
 - (b) any name, initials, word, title, addition, symbol or description which, either alone or in conjunction with other matter —
 - (i) refers to this Church or an instrumentality of this Church; or
 - (ii) implies, or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that it is a reference to this Church or an instrumentality of this Church.

Authorised persons and bodies

3. (1) A body named or referred to in Schedule 1 is authorised by this Canon to use the Church name throughout Australia.
- (2) A body named or referred to in Schedule 2 shall be deemed to have been authorised by a certificate under this Canon of the Bishop-in-Council of the Diocese in which the body has its principal place of business to use, throughout Australia, the form of the Church name used by the body as at the commencement of this Canon until such time as notice of withdrawal of the certificate may be given under section 8.
- (3) A person or body to which a certificate has been issued under this Canon (and which has not been withdrawn) may use, throughout Australia, such form of the Church name as is specified in the certificate.

Applications for authorisation

4. A person or body may apply to the Bishop-in-Council of the Diocese in which the person or body has its principal place of business for a certificate authorising the use of a form of the Church name by the person or body.

Determination of applications

5. (1) Subject to sections 6 and 7, the relevant Bishop-in-Council may —
 - (a) grant an application for the issue of a certificate under this Canon and issue the certificate or issue the certificate subject to such condition or conditions as the Bishop-in-Council prescribes; or
 - (b) refuse the application.
- (2) The Synod of a Diocese may, for the purpose of this clause, prescribe —
 - (a) the manner in which an application for a certificate authorising the use of a form of the Church name may be made and determined;

- (b) the circumstances in which the Bishop-in-Council of the Diocese may issue a certificate;
- (c) any conditions subject to which a certificate may be issued; and
- (d) fees and charges to be made in relation to the issue of a certificate.

Authorisation of bodies (other than schools)

6. Except to the extent to which a Synod of a Diocese, by ordinance, otherwise determines, a certificate under this Canon authorising the use of a form of the Church name shall issue, in the case of a body (whether incorporated or not, but not being the governing body of a school) only to a body —
- (a) the aims and objects of which are compatible with the aims, objects or welfare of this Church;
 - (b) the means of carrying out the aims and objects of which are compatible with the aims, objects or welfare of this Church;
 - (c) which has on its controlling body one or more persons elected or appointed by the Synod or Bishop of the Diocese;
 - (d) which permits such a person, despite the person's fiduciary duty of confidentiality to the body, to report to the Synod of the Diocese any matter of which, in the person's view, the Synod should be informed;
 - (e) which submits its accounts for audit or scrutiny by officials of the Diocese at least once in each year; and
 - (f) which undertakes to change its name to a name not including the Church name on or before the expiration of 60 days after the date on which the authority conferred by the certificate ceases.

Authorisation of schools

7. Except to the extent to which a Synod of a Diocese, by ordinance, otherwise determines, a certificate under this Canon authorising the use of a form of the Church name shall issue, in the case of the governing body of a school, only to a school that complies with any diocesan requirements for the conduct, control and curriculum of an Anglican school in the diocese concerned.

Withdrawal of authorisations

8. The authority conferred by a certificate of the Bishop-in-Council of a Diocese may be withdrawn at any time by notice in writing given to the person or body by the Bishop of the Diocese.

Cessation of authority conferred by certificate

9. The authority conferred by a certificate of the Bishop-in-Council of a Diocese ceases —
- (a) on the expiration of any period for which the certificate is expressed to be in force; or
 - (b) when notice of withdrawal of the certificate is given under section 8,
- whichever first occurs.

Application

10. This Canon shall only apply to a Diocese which in whole or in part is subject to the Anglican Church of Australia Act, 1976 of the State of New South Wales.

Schedule 1

All parishes and other parochial units of the Church.

All bodies constituted or controlled by an Act or Ordinance of a State or Territory of Australia, being an Act or Ordinance in which a form of the Church name appears in the citation.

All bodies constituted or controlled by a Canon of the General Synod or an Ordinance or Act of a Provincial Synod or a Synod of a Diocese.

Schedule 2

Anglican Boys' Society
Anglican Deaconess Institution
Anglican Encounter (Newcastle)
Anglican Girls' Friendly Society
Anglican Growth Fund (Bathurst)
Anglican Insurances Agencies Pty Ltd
Anglican Men's Society
Anglican Mothers Union
Anglican Women (Newcastle)
Anglican Women of Australia
C.A. Brown Anglican Village, Booragul
Church of England Children's Home Burwood
Church of England Historical Society
Church of England Youth Department Diocese of Sydney
Ski Lodge Limited
"Closebourne" Anglican Conference Centre, Morpeth
Kambala Church of England Girls' School
Meriden Anglican School for Girls
Mosman C. of E. Preparatory School Pty Ltd
Newcastle Church of England Grammar School for Girls
SCEGGS Darlinghurst
SCEGGS Redlands
The Anglican Savings & Development Fund, Diocese of Newcastle

I CERTIFY that the Ordinance as printed in accordance with the Ordinance as reported.

N. M. CAMERON
Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this 11th day of October 1990.

G. K. CLIFTON
W. G. S. GOTLEY
Secretaries of Synod

I ASSENT to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney

19/10/1990