

USE OF CHURCH NAMES CANON 1989

Canon 10, 1989 as amended by Canon 6, 2014

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"

- 2.¹ 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.

"**Use of Church Names Register**" means the register maintained and published by the General Secretary under section 9A.

¹ Amended by Canon 6, 2014.

Authorised persons and bodies

- 3.² (1) A body named or referred to in the Schedule is authorised by this canon to use the Church name throughout Australia.
- (2) A person or body to which a certificate has been issued under this canon (and which has not been withdrawn) is authorised to use, throughout Australia, such form of the Church name as is specified in the certificate.

Applications for authorization

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

- 5.³ (1) Subject to sections 5A, 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.
- (3) Upon the Bishop-in-Council of the diocese granting an application for the issue of a certificate under this canon and issuing the certificate (with or without conditions), the Bishop-in-Council shall forthwith send a copy of the certificate to the General Secretary.

² Amended by Canon 6, 2014.

³ Amended by Canon 6, 2014.

Commencement of authority conferred by certificate⁴

5A. The authority conferred by a certificate of the Bishop-in-Council of the diocese commences –

- (a) on the commencement of any period for which the certificate is expressed to be in force, or
- (b) when the certificate is issued under section 5(1),

whichever last occurs.

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.

⁴ Heading and section 5A added by Canon 6, 2014.

Withdrawal of authorisations

- 8.⁵ (1) 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.
- (2) Upon the bishop of the diocese issuing a notice withdrawing an authority conferred by certificate under section 8(1), the bishop shall forthwith send a copy of the notice to the General Secretary.

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 (1),
- whichever first occurs.

Use of Church Names Register⁶

- 9A. (1) The General Secretary shall maintain and publish a register of each Person or body to which a certificate has been issued under this canon (and which has not been withdrawn) together with -
- (a) the form of the Church name specified in the certificate which is authorised to be used,
- (b) any period for which the certificate is expressed to be in force, and
- (c) any condition or conditions subject to which the certificate has been issued.
- (2) Upon the General Secretary receiving a copy of a certificate under section 5(3) or a copy of a notice of withdrawal of authorisation under section 8(2), the General Secretary shall forthwith add or remove the name or reference to the person or body from the Use of Church Names Register as the case may be.

⁵ Amended by Canon 6, 2014.

⁶ Heading and section 9A added by Canon 6, 2014.

- (3) The General Secretary is authorised –
- (a) to remove from the Use of Church Names Register the name of or reference to any person or body on the expiry of any period to which the certificate for that person or body is expressed to be in force, and
 - (b) if reasonably satisfied that the name of a person or body on the Use of Church Names Register has changed, to update the Use of Church Names Register to reflect the change,

subject to notice of such removal or update being given to both the Bishop-in-Council and the person or body concerned.

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.

SCHEDULE⁷

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.
