

## Special Session of the 45<sup>th</sup> Synod of the Diocese of Sydney – Appointment of an Assistant Bishop

**4 May 2000**

*The Synod of the Diocese of Sydney assembled in the Wesley Theatre at 4.15 pm under the Presidency of the Most Reverend R H Goodhew, Bishop of the Diocese of Sydney and Archbishop of the Province of New South Wales on Thursday 4 May 2000. The main business of the session was to consider an ordinance to appoint a new assistant bishop for the Diocese.*

### Archbishop's Statement to Members of the Synod

12 April 2000

Dear Synod Member

I am including this statement along with my Summons to you to attend a Special Synod on 4<sup>th</sup> May 2000 to explain my reasons for assembling the Synod.

It is no light matter to involve so many busy people in an additional commitment. However, I have felt it necessary to take this step and I wish to let you know why.

The precipitating event was the election of Bishop Peter Watson, Bishop of South Sydney, to the See of Melbourne. Peter will take up his new position on 14th May this year. This means that South Sydney will be without a bishop from that date. The reality is that, even at this point in time, his attention will understandably be upon Melbourne and all that is involved in packing up and moving south to be ready for start mid-May.

We have adopted a regionalised structure for advancing the life and ministry of the Diocese, and Regional Bishops are an integral part of that strategy. I look to them to offer leadership in their Regions to advance the cause of Christ in our midst. Consequently, it would be my intention to appoint someone to take up that role as soon as possible.

I have, however, been made aware of at least two areas of difficulty in seeking to appoint a successor for South Sydney. The difficulties may be categorised as first, a question of 'Appropriateness' and, second, a question of 'Procedure'.

As to 'Appropriateness' the situation is as follows.

Peter Watson was elected to Melbourne on 26th February. On 17th March an article appeared in the Sydney Morning Herald which said, in part, "Goodhew retires next March and could give a mate a good run at the top job. But the conservative group, with the numbers on the Sydney diocese's powerful standing committee will veto any Goodhew candidate. The likely result? No Bishop for South Sydney". I could only presume the reporter received that type of assessment from some source. In addition, I received correspondence pointing out the controversial nature of making an appointment at this time and suggesting some alternative steps that could be taken. Consequently, I could only presume that there would be some opposition to any name I proposed to the Standing Committee.

The question of 'Procedure' was, and is, involved.

On the 31st March I received the following advice from the Diocesan Secretary.

Under clause 5 of the 1947 Ordinance, of each of the clerical and lay members of the Standing Committee must be present and vote in favour of the nominee. This requirement creates a big problem among the clerical members.

- There are 27 clerical members of the Standing Committee (including you). This means that 18 (being of 27) must be present and vote in respect of the proposal.
- I am assuming that you will not vote in relation to the proposal on the basis that it may be inappropriate that you do so. Therefore, 18 out of 26 clerical members must be present

and vote.

- But of that 26, the 5 Archdeacons have no power to vote. Therefore only a maximum of 21 clerical members can be both present and vote.
- 4 other clerical members have indicated their apologies for Monday night. This means that there can only be a maximum of 17 who can be present and vote. But even if they are all present and vote, clause 5 of the 1947 Ordinance cannot be satisfied because it requires that 18 clerical members be present and vote.

Essentially, the problem arises because the Archdeacons must be counted in determining the threshold of 18, but they cannot vote.

This problem is not unique to the meeting to be held on Monday night. I have checked the attendance records and at 2 of the last 4 Standing Committee meetings it was impossible to achieve the requisite number of 18 because of absences among clerical members. On the other 2 occasions, an appointment would have been blocked if 1 member (on one occasion) or 3 members (on the second occasion) had not voted, or had voted against the proposal.

Even if the Archdeacons are excluded from calculating the number who may vote and the  $\frac{2}{3}$ 's requirement is reduced to  $\frac{2}{3}$  of 22, i.e. 15, the problem still remains. If a number of clergy decide not to vote it becomes impossible to gain a favourable outcome. This mechanism was used on a previous occasion to block an appointment.

As a consequence I asked Bishop Barnett to move the following motion at the meeting of the Standing Committee on 3<sup>rd</sup> April 2000:

"Standing Committee agrees in principle to the Archbishop's proposal to appoint an assistant bishop for the Diocese of Sydney to fill the vacancy in the episcopal team which will arise upon the resignation of Bishop Peter Watson as an assistant bishop for the Diocese".

In speaking to this matter I sought to take seriously the issues raised by those who appeared to believe that it was not appropriate for me to make an appointment. Those arguments seemed to be:

- a) Since I am to conclude my episcopate on 19th March 2001 it would not be appropriate for me to make an appointment at this point in my term of office.
- b) Any nomination I make will be seen as 'political'. It could be seen in the words of the S.M.H. article as giving 'a mate a good run at the top job'. Conversely, it has been suggested that it may have the completely opposite effect.
- c) It may be limiting the options of my successor to make appointments when he comes into office.
- d) A better alternative would be to have a retired bishop fill the post on a part-time basis for the time being until my successor is in place.

I seriously considered these arguments and gave the following reasons to the Standing Committee for wishing to proceed as soon as possible to replace Bishop Watson:

1. I believe I have a responsibility as the Archbishop of the Diocese to fill the vacancy as soon as possible. We conduct the life of our Diocese on a regional basis. Regional Bishops are integral to that scheme. To say that I would leave the position unfilled for a period of some 15-18 months could be construed not only as a negative judgement about the significance of the work of the Bishop of South Sydney but also as a judgement on the value of the role and work of all the Regional Bishops. They are an integral part of my Episcopal oversight and I wish to exercise that oversight in the most effective way possible.
2. I do not believe I can leave the Region of South Sydney without Episcopal leadership nor do I believe that the part-time leadership by a retired bishop (even if such was available) would serve the best interests of a Region with special and particular needs and concerns. I am of the opinion that I would be failing in my Episcopal leadership if I did not do all in my power to appoint someone to succeed Bishop Watson.
3. When I leave in March 2001 Bishop Barnett will (D.V.) be the Commissary and Administrator. He has under his care the Region with the largest number of parishes. He will assume responsibility for

managing the affairs of the Diocese and the process of electing a new Archbishop. He will not need to be exercising oversight over another Region either without a bishop or with someone unfamiliar with the area and operating on a part-time basis.

4. I have also received a motion passed by the South Sydney Regional Council requesting me to appoint someone to replace Bishop Watson as soon as possible. I believe I have an obligation to honour that request.
5. The claim that my action would appear to have 'political' overtones for the next Archiepiscopal election is difficult. I presume any name I propose would be 'political' insofar as it will bring a person to people's attention. It would be surprising for any Archbishop to appoint an assistant bishop so lacking in qualities that no one would ever think he might be someone's candidate in an election. In that sense I presume that all the appointments made during my episcopate are 'political'.

In addition, opinions seems to vary as to whether or not my appointee would be helped or hindered by coming to this position at this time. Consequently, I do not believe I should refrain from seeking to make an appointment now.

6. The final reason for not appointing is the suggestion that I will be limiting the capacity of my successor to make appointments suitable to his own style and goals. Synod members may wish to know what the situation is with regard to my Episcopal team.

Bishop Barnett and Bishop Smith, though due to retire earlier, have been extended to 31st August 2001 to give some ease of transition for the new Archbishop into his role. Bishop King will retire some 16 months later (3.1.2003) and Bishop Piper some 5½ years later (25.2.2007). This is not so very different from the situation that existed when I was elected. Bishops Watson and Barnett were in place and have continued through the time of my episcopate. I appointed three new bishops. My successor will be able to appoint two immediately, a third 16 months later, and a fourth when Bishop Piper retires. That sort of spacing I would say, from experience, is quite a good scenario.

I do not believe my successor will be any worse off, and may indeed be better off than his predecessor. It would appear that, in this century, five assistant bishops have been appointed in the last 12 months of an Archbishop's term of office. Some of those appointments have been notable persons who have served the diocese and the church very well. There is no good reason to believe that we, at our point in time, should find the situation to be any different.

When finally voted upon, the motion moved by Bishop Barnett was approved in the House of Clergy by 10 votes to 7 against, and in the House of Laity by 20 votes to 4 against.

To deal with the 'procedural' issue that exists because of the difficulties associated with the Assistant Bishops (Bishops Coadjutor) Ordinance 1947, I have come to the Synod to seek your support for my nomination of a person as an assistant bishop in the diocese and as the Bishop of South Sydney.

Mr Payne explains in his material the procedure I am hoping to follow. In coming in this fashion to the Synod I am trusting myself and the leadership of the South Sydney Region to the good sense and generosity of the members of Synod.

I am anticipating that Synod members will respect my prerogative to nominate the person for the position and not introduce other names. If my candidate is totally unsuitable for the office, it would be the members' responsibility to vote against my nomination. I pray, however, that the Synod will not become 'an election Synod' with the proposal of alternate names in the way we usually understand that phrase.

It is also my hope that members will not seek to introduce other matters from the floor. This is a Special Synod to deal with a particular situation.

I commit my cause to your wisdom and good will.

Yours sincerely

(The Most Rev) R H Goodhew

## **Officers and Committees Appointed**

The following officers and committees of the Synod were appointed –

1. Chairman of Committees: Mr Neil Cameron
2. Deputy Chairman of Committees: Mr Peter Kell, Justice Peter Young and Mr Robert Tong
3. Elections and Qualifications Committee: Archdeacon Ken Allen, Mr Ian Miller, Archdeacon Peter Smart, Ms Rowena Whittle
4. Minute Reading Committee: Mr Greg Brian, Dr Grant Maple and the Rev Jacinth Myles

## **Consideration of the Appointment of an Assistant Bishop Ordinance 2000**

Ordinance as passed and Explanatory Statement following.

## **Resolutions Passed**

### *1/00 Procedural Resolutions*

(1) Synod authorises the President to sign the minutes of the special session of Thursday 4 May 2000 upon the production to the Standing Committee of the certificate of any 2 members of the Minute Reading Committee.

(Mr Mark Payne 04.05.00)

(2) Synod adjourns without appointing another day of meeting.

(The Rev Chris Moroney 04.05.00)

## Appointment of an Assistant Bishop Ordinance 2000

### Explanatory Statement

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#### Introduction

1. With the election of Bishop Peter Watson as the Archbishop of Melbourne, a vacancy will arise in the office of assistant bishop for the Diocese of Sydney. On 3 April 2000 the Standing Committee agreed in principle to the Archbishop's proposal to fill the vacancy.

#### Objects of the Proposed Ordinance

2. The objects of the proposed ordinance are to approve –
- the appointment of a person (whose name is to be included in the ordinance during the committee stage) as an assistant bishop; and
  - the title of the new assistant bishop; and
  - the remuneration arrangements for the new assistant bishop.

#### Assistant Bishops (Bishops Coadjutor) Ordinance 1947

3. It is not usual for the appointment of an assistant bishop to be considered by the Synod. However, on this occasion, the matter has been referred to the Synod because the present procedure for the appointment of an assistant bishop, found in the Assistant Bishops (Bishop Coadjutor) Ordinance 1947 (the "1947 Ordinance"), is considered to be unworkable.

4. The 1947 Ordinance is printed on pages 123 to 125 of Acts & Ordinances. In brief, the procedure for the appointment of an assistant bishop is as follows –

- The Archbishop nominates to the Standing Committee a person who the Archbishop thinks is eligible for appointment as an assistant bishop (clause 4).
- The person is chosen by vote of the Standing Committee provided that "at least 2/3 of the clerical and 2/3 of the lay members of such committee shall be present and vote" (clause 5).
- The vote of the Standing Committee is then returned to the Archbishop for the exercise of his discretion (clause 5).

5. This procedure is considered to be unworkable for 2 main reasons.

#### *Non-voting archdeacons*

6. There is considerable uncertainty about how the requirement in clause 5 of the 1947 Ordinance that "at least 2/3 of the clerical members of [the Standing Committee] shall be present and vote" is to be applied, following the re-constitution of the Standing Committee in 1995 as part of the implementation of regionalisation. Since then, archdeacons have been nonvoting members of the Standing Committee.

7. There are currently 27 clerical members of the Standing Committee, including the nonvoting archdeacons. If the Archbishop (who doesn't vote on these matters) and the 5 archdeacons (who cannot vote) are omitted, there is only a maximum number of 21 clerical members who can be present and vote on a proposal. On one interpretation, clause 5 requires that 18 (being 2/3 of 27) clerical members of the Standing Committee be present and vote when the Archbishop nominates a person who he thinks is eligible for appointment as an assistant bishop.

8. Currently, 2 clerical members of the Standing Committee are on periods of long leave and it is common for 2 or 3 other members of the clergy to be absent from a meeting of the Standing Committee. The consequence is that there are frequently less than 18 members of the clergy who are present and able to vote at a meeting of the Standing Committee. For example, on 3 April 2000, there were only 17 members of the clergy (excluding the Archbishop) who were present and able to vote on a proposed nomination. The

requirements of clause 5 could not have been satisfied at that meeting, even if all 17 clergy had voted in favour of the proposal. The situation at the meeting on 3 April 2000 is not unusual.

9. Another interpretation is that the archdeacons are not be taken into account in determining the " $\frac{2}{3}$ " threshold for the purposes of clause 5. If this view is correct, the number of clerical members required to be present and vote on a nomination made by the Archbishop falls to 15. However, this identifies another problem in relation to clause 5, namely, the consequences if some members of the Standing Committee choose not to vote in relation to a nomination.

*Failure to vote*

10. In recent times, when the Archbishop has made a nomination under clause 5 some members of the Standing Committee, while being present and entitled to vote, have chosen not to vote in respect of the name. The consequence of 2 or 3 clerical members not voting is that they have an effective "veto" of any name which is put by the Archbishop. Thus, for example, if on 3 April 2000 the Archbishop had proposed a name to the Standing Committee and any 3 members of the clergy chose not vote in respect of the name, an appointment could not have been approved under clause 5 even if all other members had voted.

*Amendments*

11. It is proposed to bring amendments to a future session of the Synod to allow the Synod to address, if it wishes, the matters referred to in items 6-10 above. In the interim, the proposed ordinance is being promoted to allow the appointment of an assistant bishop forthwith.

**Proposed Ordinance**

12. The proposed ordinance is being promoted by 6 members of the Synod. It is a "special purpose" ordinance and its passage does not pre-empt any decision the Synod might make about the matters referred to in items 6-10 above.

*Clause 1*

13. Clause 1 sets out the name of the proposed ordinance.

*Clause 2*

14. Clause 2 allows the Synod to consent to the appointment of a named person as an assistant bishop for the Diocese. It is proposed that the Archbishop will nominate a person to the Synod during the committee stage. If that nomination is accepted by the Synod the name of the nominee will be inserted in clauses 2(1), (2) and (3) (and also clauses 3 and 4(1)).

15. If the proposed ordinance is passed, the person whose name appears in clauses 2(1) and (3) will be taken to have been duly appointed as an assistant bishop for the purposes of the ordinance of our church, notwithstanding that he was not appointed under the 1947 Ordinance.

*Clause 3*

16. Clause 3 allows the Synod to prescribe the title of the new assistant bishop. This title will apply until changed by the Archbishop with the concurrence of the Standing Committee under clause 2 of the 1947 Ordinance.

*Clause 4*

17. This clause allows the Synod to approve the remuneration arrangements which will apply to the new assistant bishop.

MARK PAYNE  
Diocesan Secretary

10 April 2000

## Appointment of an Assistant Bishop Ordinance 2000

No 10, 2000

### Long Title

An Ordinance for the appointment of an assistant bishop for the Diocese of Sydney. The Synod of the Diocese of Sydney Ordains –

#### 1. Name of Ordinance

This Ordinance is the Appointment of an Assistant Bishop Ordinance 2000.

#### 2. Consent to the appointment of an assistant bishop

(1) Synod consents to the appointment of Canon Robert Charles Forsyth as an assistant bishop for the Diocese of Sydney.

(2) Clause 5 of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947 does not apply to the appointment of Canon Robert Charles Forsyth as an assistant bishop for the Diocese of Sydney.

(3) Subject to clauses 3 and 4 of this Ordinance, upon Canon Robert Charles Forsyth being appointed as an assistant bishop for the Diocese of Sydney he will be taken to be an assistant bishop for the purposes of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947, and all other ordinances of the Synod or the Standing Committee.

#### 3. Title of assistant bishop

Upon his appointment as an assistant bishop, Canon Robert Charles Forsyth is to bear the title of "Bishop of South Sydney" and is to bear that title until it is changed in accordance with clause 2 of the Assistant Bishop (Bishops Coadjutor) Ordinance 1947.

#### 4. Stipend etc of the assistant bishop

(1) Subject to clause 4(2), during his appointment as an assistant bishop, Canon Robert Charles Forsyth is to be paid and provided with a stipend, allowances and benefits equivalent to the stipend, allowances and benefits paid to the other assistant bishops for the Diocese of Sydney from time to time.

(2) Clause 4(1) is subject to –

- (a) any other determination which may be made from time to time under clause 3 of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947;
- (b) the proviso in clause 3 of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947.

(3) The stipend, allowances and benefits referred to in clause 4(1) are to be paid or provided from the property held on the trusts set out in the 7th Schedule to the Endowment of the See Ordinance 1977.

I Certify that the Ordinance as printed is 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 4 May 2000.

C J MORONEY M A PAYNE  
Secretaries of Synod

I Assent to this Ordinance.

R H GOODHEW  
Archbishop of Sydney

04 /05/2000