

# Archbishop of Sydney Election Ordinance 1982

(Reprinted under the Interpretation Ordinance 1985.)

The Archbishop of Sydney Appointment Ordinance 1982 as amended by and in accordance with the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 1993, the Archbishop of Sydney Appointment Amendment Ordinance 1997, the Miscellaneous Amendments Ordinance 1999, the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 2001, the Archbishop of Sydney Appointment Ordinance 1982 Further Amendment Ordinance 2001, the Archbishop of Sydney Election Amendment Ordinance 2009, the Archbishop of Sydney (Election and Retirement) Amendment Ordinance 2010, the Archbishop of Sydney (Solemn Promises) Amendment Ordinance 2011, the Solemn Promises Ordinance 2011 Amending Ordinance 2013, the Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2013, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 and the Archbishop Election Ordinance Amendment Ordinance 2019.

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**Long Title**

An Ordinance to provide for the election of an Archbishop to the Metropolitan See of Sydney.

**Preamble**

Whereas

- A. The Diocesan Doctrine Commission presented a report to the 2nd Ordinary Session of the 51st Synod of the Diocese of Sydney entitled 'An Evangelical Episcopate' (the Report) in response to the request made by the sixth resolution of the Synod in 2015.
- B. The Synod of the Diocese of Sydney, by resolution 14 of 2018, adopted paragraphs 44-50 of the Report as the Diocese's definitive statement on the role of the Archbishop of Sydney, as a key reference point for the election of an Archbishop.
- C. The Report specifies that the Christian character of the Archbishop is critical to the faithful and effective discharge of this responsibility (appendix, paragraph 7). The report also lists five priorities of the Archbishop, which are set out in full in the appendix –
  - 1. To be a guardian of 'the faith that was once for all delivered to the saints'.
  - 2. To order the ministry of the Diocese to the gospel of Christ and his mission.
  - 3. To exercise pastoral concern and insight as he provides advice and direction for gospel ministry in the Diocese.
  - 4. To represent the Diocese, in various national and international bodies, to the government, and generally to the community.
  - 5. To attend diligently to the administration of the Diocese in line with its mission.

## Preliminary/Vacancy

### 1. Citation

This Ordinance may be cited as the “Archbishop of Sydney Election Ordinance 1982”.

### 1A. Interpretation

In this Ordinance –

“Administrative Committee” means the committee constituted under subclause 6(1);

“Administrator” means the person who, on the occurrence of a vacancy in the See of Sydney, is entitled under the Constitutions to exercise the powers vested in the Archbishop.

“Archbishop” means the Archbishop of the See of Sydney;

“Constitutions” means the *Anglican Church of Australia Constitutions Act 1902*, and the *Anglican Church of Australia Constitution Act 1961*;

“Director of Professional Standards” means the person appointed for the time being under clause 101 of the *Discipline Ordinance 2006*;

“National Register” means the national register within the meaning of the General Synod – *National Register Canon 2007 Adopting Ordinance 2008*;

“Nomination Officer” means the person appointed by the Standing Committee pursuant to clause 3(b);

“Nomination closing date” means that date determined in accordance with clause 7(2)(d);

“nominee” means a person nominated under clause 7;

“President”, in relation to a meeting of the Synod, means the person presiding at that meeting;

“Safe Ministry Check” means the check for clergy prescribed by the Standing Committee under the *Safe Ministry to Children Ordinance 2018*;

“Standing Committee” means the Standing Committee of the Synod;

“Synod” means the Synod of the Diocese of Sydney.

### 2. Declaration of Vacancy

(1) Except where the Standing Committee has passed a resolution under subclause (2), the Standing Committee shall, as soon as practicable after the date on which a vacancy occurs in the See of Sydney, declare by resolution that the See is vacant.

(2) The Standing Committee may, at any time within the period of 12 months before the date on which a vacancy shall occur in the See of Sydney, declare by resolution that the See will be vacant from that date.

### 3. Appointment and Functions of Returning Officers

(1) Where the Standing Committee has passed a resolution under clause 2, it shall as soon as practicable –

- (a) appoint a Returning Officer and a Deputy Returning Officer for the purposes of the meeting of the Synod summoned in accordance to clause 5; and
- (b) appoint a Nomination Officer to receive nominations for the purposes of filling the vacancy referred to in clause 2.

(2) The Returning Officer appointed under subclause (1) shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(3) Where the Returning Officer appointed under subclause (1) is, for any reason, unable to act, the Deputy Returning Officer shall have and shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(4) In the exercise and performance of their powers, authorities, duties and functions under this Ordinance, the Returning Officer may, with the approval of the Administrator, have and use the assistance of such persons as the Returning Officer considers necessary.

#### **4. Administrative Committee**

(1) The Administrator may appoint such members of the Standing Committee as he determines to constitute, under his chairmanship, an Administrative Committee for the purpose of determining and giving effect to administrative matters relating to –

- (a) the convening of the meeting of the Synod; and
- (b) the conduct of the proceedings of the Synod at that meeting.

(2) The Administrative Committee shall not make or give effect to any decision or determination which is inconsistent with the terms of this Ordinance.

#### **5. Summoning of Synod**

(1) Where a vacancy has been declared under clause 2, the Archbishop, or where a vacancy has occurred, the Administrator, shall, within 7 days after the declaration has been made, inform each member of the Synod of the declaration, and shall as soon as practicable, summon, each member of the Synod to a meeting of the Synod specifying –

- (a) the day and the time on that day on which the meeting of the Synod shall commence;
- (b) the place at which the meeting shall be held;
- (c) instructions for the making of nominations;
- (d) the day, determined in accordance with clause 7, on which nominations of duly qualified persons for the office of Archbishop shall close;
- (e) the name of the Nomination Officer and the place, postal address and email address at which nominations can be delivered for this purpose; and
- (f) such other matters as the person giving the notice thinks fit.

(2) A meeting of the Synod –

- (a) shall be held within the period being –
  - (i) not less than 14 weeks from the date on which the summons is sent, and
  - (ii) not less than 3 weeks and not more than 20 weeks after the latter of –
    - (A) the occurrence of the vacancy; and
    - (B) the date on which the summons is sent;
- (b) may commence on any day of the week; and
- (c) shall be held at a place within the Diocese of Sydney.

(3) Notwithstanding subclause (2) the Standing Committee by 75% majority of both houses present and voting may by resolution determine a date to commence the meeting of Synod that is beyond the ranges specified in paragraph (2)(a).

#### **6. Report concerning finances of the See**

(1) The Administrator shall, not later than 42 days before the day on which the meeting of the Synod shall commence, cause a report to be prepared concerning the finances of the See and arrange for that report to be sent to the Nomination Officer.

(2) Such report shall include –

- (a) a balance sheet which sets out in detail the assets and liabilities of the Endowment of the See fund together with income and expenditure accounts of the fund for each of the three years immediately preceding such vacancy, and such balance sheet and accounts shall be certified as correct by a duly qualified auditor; and
- (b) a description of the condition of any property to be provided for the residence of the Archbishop.

(3) The Nomination Officer is to send a copy of the report to each person nominated for the office of Archbishop under subclause 7(2).

#### Nominations

#### **7. Nominations**

##### *Making a nomination*

(1) One or more members of the Synod may, in accordance with subclause (2), nominate any duly qualified person for the office of Archbishop.

- (2) A nomination under subclause (1) must –
- (a) be in writing;
  - (b) be signed by the nominator(s);
  - (c) specify an email address for service of notices on the nominator(s) and a postal and email address for service of notices on the nominee; and
  - (d) be given to the Nomination Officer at the specified place, postal address or email address referred to in subclause 5(4)(e) not later than 5.00 pm on the day which is 42 days before the day on which the meeting of the Synod shall commence.

*Nominee to have been nominated by at least 20 members*

- (3) A duly qualified person shall be deemed not to have been nominated to the office of the Archbishop unless one or more nominations signed by not less than twenty members of Synod are received under subclause (2).

#### **7A. Administering a Nomination**

*Actions upon nomination by ten or more members*

- (1) Upon receiving nominations in accordance with 7(2) from ten or more members of Synod, the Nomination Officer shall forthwith request confirmation in writing from the nominee that he –

- (a) is willing to make a declaration of the solemn promises contained in the Second Schedule of this Ordinance, and
- (b) consents to a search being undertaken for information in the National Register in relation to the nominee, and
- (c) is willing to complete a Safe Ministry Check and interview for the purpose of this nomination.

- (2) Upon receiving confirmation in accordance with subclause (1), the Nomination Officer shall forthwith –

- (a) direct the Director of Professional Standards –
  - (i) to access and report to the Nomination Officer any information in the National Register relating to the nominee, and
  - (ii) to arrange to administer a Safe Ministry Check to the nominee, and
- (b) request copies of the following documents from the nominee –
  - (i) the nominee's letters of Orders for Deacon, Presbyter, and Bishop as applicable, and
  - (ii) where the nominee is not in episcopal orders, his Birth Certificate and Baptismal Certificate.

- (3) On the basis of the information gathered from the Safe Ministry Check and the National Register, the Director of Professional Standards shall, acting as delegate of the Synod –

- (a) determine whether the nominee is fit for archiepiscopal ministry; and
- (b) advise the nominee and the Nomination Officer of the determination.

*Actions upon nomination by twenty members*

- (4) Upon a person being nominated to the office of the Archbishop in accordance with subclause 7(3), the Nomination Officer must give the nominee notice in writing –

- (a) of any information in the National Register in relation to the nominee;
- (b) of the determination of the Director of Professional Standards referred to in subclause 7A(3); and
- (c) of the need to disclose this information to the meeting of the Synod, unless the nominee gives notice under subclause 7B(1) that he does not wish to be a nominee for the office of the Archbishop.

- (5) A notice under subclause (4) is deemed to have been sufficiently given if sent to the postal or email address for the nominee specified in a nomination under paragraph 7(2)(c).

- (6) Seven days following the notice referred to in subclause (4), or as soon as practicable following the Nomination closing date, whichever is sooner, the Nomination Officer shall publish the name of the nominee on the SDS website.

## **7B. Withdrawing a Nomination**

(1) The nominee may, at any time up to 21 days before the day on which the meeting of the Synod shall commence, give notice in writing to the Nomination Officer that he does not wish to be a nominee for the office of Archbishop; whereupon that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for that office.

(2) Where a nominee does not, within seven days of the nomination closing date comply with the commitments made in accordance with 7A(1), that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for the office of the Archbishop.

## **8. List of Nominations**

The Administrator shall, as soon as practicable following the Nomination closing date and not less than 10 days before the day on which the meeting of the Synod shall commence, forward to each member of the Synod –

- (a) a list, in alphabetical order, of the persons nominated showing, in relation to each nominee, the names of all members of the Synod who have nominated that person;
- (b) any information in the National Register relating to each nominee; and
- (c) the determination of the Director of Professional Standards referred to in clause 7A(3)(a).

## **9. Determination of Proposer and Seconder**

(1) The nominators of a nominee must –

- (a) determine, among themselves if need be, by a majority, in relation to each stage in the proceedings under this Ordinance, who shall propose and second the nomination at that stage; and
- (b) notify the Secretary of the Synod of their determination within sufficient time to enable the name of the proposer and seconder to be included in the appropriate day's business paper.

(2) Where the nominators of a nominee are unable to make a determination referred to in subclause (1) in respect of any stage, the President shall select, from among those nominators, the proposer and seconder of the nomination in respect of that stage.

(3) Nothing in this clause prevents the Synod from granting leave to any member of the Synod to propose or second the nomination of a nominee at any stage in the proceedings under this Ordinance, notwithstanding that –

- (a) the member did not nominate the nominee under clause 7; or
- (b) the member is not a member notified under paragraph (b) of subclause (1) or selected under subclause (2).

### Proceedings of Synod

## **10. Right of Reply**

Where a motion is proposed under this Ordinance and any other member of the Synod (not being the seconder of the motion) speaks in respect of the motion, the proposer shall, after all speeches have been made in respect of that motion, have the right of reply.

## **11. Order of Business – First Day**

(1) The order of business for the first day of the meeting of the Synod shall be as follows –

- (a) The List of Clergy summoned to the Synod shall be laid upon the table by the President.
- (b) The List of Representatives shall be laid upon the table by the President, and those who have not presented their Certificates of Election, and signed the Declaration shall then do so.
- (c) The President shall, subject to subclause (2), deliver his address.
- (d) The President may lay upon the table a document appointing a Commissary.
- (e) Motions for the election of –
  - (i) A Chairman of Committees.
  - (ii) A Deputy Chairman of Committees.

- (iii) A Committee of Elections and Qualifications.
  - (iv) A Committee for the purpose of checking and, if agreed, certifying the minutes of each meeting other than a meeting of the Committee of the Whole Synod.
  - (f) Notices of Questions.
  - (g) Notices of Motions.
  - (h) Motions in connection with the formal reception and printing of Reports, Accounts and other documents.
  - (i) Motions by request of the Standing Committee with respect to the proceedings under this Ordinance.
  - (j) The Synod shall then proceed in accordance with clause 15.
- (2) If the President is a nominee, the person who is next entitled to preside at the meeting and who –
- (a) is present at the meeting of the Synod, and
  - (b) is not a nominee,
- shall deliver the President's address instead of the President.
- (3) The person who is required under this Ordinance to deliver the President's address may not invite or request another person to give the President's address.

## **12. Proceedings held in private**

At the conclusion of the President's address, the public shall be excluded and shall continue to be excluded until the meeting of the Synod ends.

## **13. Order of Business – Second and Subsequent Days**

The order of business for the second and subsequent days of the meeting of the Synod shall be as follows –

- (a) The Minutes of the previous day's proceedings shall be read and signed as a correct record or otherwise dealt with in accordance with any resolution passed at the meeting of the Synod.
- (b) Questions.
- (c) Notices of Motions.
- (d) The continuation of the procedure determined in accordance with this Ordinance for the election of a person to the office of Archbishop.
- (e) Motions according to the order of notice or in the order determined by the Administrative Committee.

## **14. Announcement as to Voting**

- (1) Immediately after each vote on a motion by show of hands is taken under this Ordinance, the President shall announce the result of the vote together with the number of members of the Synod (being, where applicable, the numbers of members of each order) who have voted for and against the motion.
- (2) After each ballot is taken under this Ordinance, the Returning Officer shall hand to the President his record of the counting in respect of the ballot and the President shall announce the result appearing in the record.

### Select List

## **15. Reduction of List of Nominations and Compilation of Select List**

- (1) After the items of business referred to in paragraphs 11(1)(a)-(k) have been dealt with, each nominee shall be proposed and seconded in the order in which his name appears on the list of nominations referred to in clause 8. The purpose of the proposer and seconder's speeches is to promote the characteristics of their candidate.
- (2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak against the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) Where a member of the Synod speaks against a nomination, the President shall ask whether any member of the Synod wishes to speak in respect of that nomination and each

member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

- (4) Where –
  - (a) speeches in respect of the nominee whose name last appears on the list of nominations referred to in clause 8 have concluded; or
  - (b) no member of the Synod wishes to speak against that nomination,the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on that list of nominations –

“That the name of (A.B.) be placed upon the Select List.”.
- (5) A vote on each of the motions put to the Synod under subclause (4) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 15A.
- (6) If a majority of either order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Select List.
- (7) The names of the nominees shall be placed upon the Select List in alphabetical order.
- (8) The President shall announce to the Synod the names which have been placed upon the Select List and the order in which they have been so placed.
- (9) If no nominee receives a majority of votes in either order of the members of the Synod then present and voting, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.

#### **15A. Ballot Procedure**

- (1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause 15(4) of a colour specified by the President as the colour to be used by the members of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
  - (a) printed with the name of the nominee referred to in the motion; and
  - (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.
- (3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Select List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Select List.

#### Final List

#### **16. Reduction of Select List and Compilation of Final List**

- (1) After compilation of the Select List in accordance with clause 15, each nominee whose name appears on the Select List shall be proposed and seconded in the order in which his name appears upon that List.
- (2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) Where –
  - (a) speeches in respect of the nominee whose name last appears on the Select List have concluded; or
  - (b) no member of the Synod wishes to speak against that nomination,the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on the Select List –

“That the name of (A.B.) be placed upon the Final List.”.



(4) A vote on each of the motions put to the Synod under subclause (3) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 16A.

(5) If a majority of each order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Final List.

#### **16A. Ballot Procedure**

(1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause 16(3) of a colour specified by the President as the colour to be used by the member of each order.

(2) A ballot paper referred to in subclause (1) shall be –

- (a) printed with the name of the nominee referred to in the motion; and
- (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.

(3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Final List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Final List.

#### **17. Where Motion carried in respect of less than 3 Nominees on the Final List**

(1) Where –

- (a) there were 3 or more nominees on the Select List; and
- (b) the motion put under subclause 16(3) is carried with respect to less than 3 nominees,

the President shall, without further debate, again put the motion under subclause 16(3) to the Synod in respect of each nominee whose name was on the Select List but was not placed upon the Final List.

(2) A vote on a motion put as referred to in subclause (1) shall be taken by a secret ballot and the provisions of subclauses 16(4) and (5) and clause 16A apply to that ballot.

(3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed upon the Final List.

(4) Where there were 1 or 2 nominees on the Select List, the name of a nominee shall be placed on the Final List if a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of the nominee put under subclause 16(3).

(5) If no nominee on the Select List receives a majority of votes in both orders of the members of the Synod then present and voting, for the purpose of determining the course of action the Synod shall pursue, the President shall forthwith and without debate, put the following motions in the following order –

- (a) That a further vote on the motion under subclause 16(3) be taken by secret ballot in respect of each nominee on the Select List using the procedure under clause 16A.
- (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

#### **18. Where Motion carried in respect of more than 3 Nominees on the Final List**

Where –

- (a) the motion put under subclause 16(3) is carried with respect of more than 3 nominees; or
- (b) pursuant to clause 17, there are more than 3 nominees on the Final List,

a ballot or series of ballots shall without further debate be taken in accordance with clause 19, 20 or 21, as the case may require, so as to reduce the nominees on the Final List to 3.

#### **19. More than 5 Nominees**

(1) Where –

- (a) the motion put under subclause 16(3) is carried with respect to more than 5 nominees; or

(b) pursuant to clause 17, there are more than 5 nominees on the Final List, each member of the Synod then present shall be given 3 ballot papers, each of which is distinguishable from the others.

(2) On the first ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 5 nominees whom he or she wishes to remain upon the Final List.

(3) The nominees in excess of 5 who receive the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(6) On the third ballot, each member of the Synod then present and voting shall write on the remaining ballot paper, in the order in which they appear on the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(7) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **20. 5 Nominees**

(1) Where –

(a) the motion put under subclause 16(3) is carried with respect of 5 nominees; or

(b) pursuant to clause 17, there are 5 nominees on the Final List,

each member of the Synod then present shall be given two ballot papers, each of which is distinguishable from the other.

(2) On the first ballot, each member of the Synod then present and voting shall write, on the ballot paper nominated by the President, in the order in which they appear upon the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write, on the remaining ballot paper, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **21. 4 Nominees**

(1) Where –

(a) the motion put under subclause 16(3) is carried with respect of 4 nominees; or

(b) pursuant to clause 17, there are 4 nominees on the Final List,

each member of the Synod then present shall be given a ballot paper.

(2) On the ballot, each member of the Synod then present and voting shall write, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **22. Procedure in event of equality of votes**

(1) Where, pursuant to a ballot under clause 19, 20 or 21, 2 or more nominees receive an equal number of votes and one or more of them is to be excluded and one or more of them is to remain upon the Final List, the President shall, without debate, call on each member of the Synod then present to express his or her preference among those nominees who have received an equal number of votes by voting for the number of those nominees not to be excluded, being the nominee (or nominees) whose name (or names) he or she wishes to remain upon the Final List.

(2) A vote in respect of each nominee to whom subclause (1) applies by show of hands shall be taken of the members of the Synod then present and voting as a whole.

(3) The nominee or nominees, as the case may require, who receives or receive the lowest number of votes after a vote is taken under subclause (2) shall be excluded.

(4) If two or more nominees again receive an equal number of votes those nominees shall be excluded.

### **23. Order of Placement of Names on Final List**

(1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, a nominee is placed upon or remains upon the Final List, the order in which his name shall be placed upon the Final List shall be determined by the President by lot.

(2) The President shall announce to the Synod the names which have been placed upon the Final List and the order in which they have been so placed.

#### Final Selection of a Nominee

### **24. One Nominee on Final List**

(1) Where the name of only 1 nominee has, in accordance with this Ordinance, been placed upon the Final List, the President shall put the following motion to the Synod –

“That (A.B.) be invited to be Archbishop of Sydney.”

(2) A vote on the motion by show of hands shall be taken in each order of the members of the Synod then present, the lay members of the Synod voting first.

(3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion, the President shall declare (A.B.) duly elected to the office of Archbishop of Sydney.

(4) If a majority of both orders of the members of the Synod then present and voting do not vote in favour of the motion, for the purpose of determining the course of action the Synod shall pursue, the President shall, forthwith and without debate, put the following motions in the following order –

(a) That a further vote on the motion be taken by secret ballot using the procedure under clause 16A.

(b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

### **25. Final List of 2 or 3 Nominees**

(1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, the names of 2 or 3 nominees have been placed upon or remain upon the Final List, each nominee shall be proposed and seconded in the order in which his name appears upon the Final List.

(2) After all nominees have been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of any nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(3) When speeches in respect of the nominations have concluded, the Synod shall adjourn to the following day or a later day determined by the Synod.

### **26. Limitation of Speeches**

(1) The duration of speeches pursuant to this Ordinance shall be –

(a) in the case of a person proposing that the name of a nominee be placed upon the Select List – 15 minutes;

(b) in the case of a person proposing that the name of a nominee be placed upon the Final List - 10 minutes;

(c) in any other case - 5 minutes.

(2) Nothing in subclause (1) prevents the Synod from granting leave to any member of the Synod to speak for such length of time as is specified in the grant of leave.

## **27. Printing and Distribution of Ballot Papers**

- (1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause 25(3), each member of the Synod then present shall be given a ballot paper of a colour specified by the President as the colour to be used by the members of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
  - (a) in a form as prescribed in the First Schedule to this Ordinance appropriate to the number of nominees whose names appear upon the Final List;
  - (b) printed with the names of the nominees upon the Final List in the order in which they were placed upon the Final List;
  - (c) printed with a square opposite the name of each nominee; and
  - (d) one of either of two colours, one colour being for use by the lay members of the Synod and the other colour being for use by the clerical members of the Synod.

## **28. Voting**

On receipt of a ballot paper, a member of the Synod shall record his or her vote by placing the number "1" in the square opposite the name of the nominee for whom he or she desires to give his or her first preference and the number "2" or the numbers "2" and "3", as the case may require, in the square opposite the name or names of the other nominees so as to indicate by numerical sequence the order of his or her preference.

## **29. Method of Counting Votes**

- (1) The Returning Officer shall count the total number of first preferences given by the members of the respective orders for each nominee.
- (2) If one of the 2 or 3 nominees, as the case may be, has received an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

## **30. Failure of Either of 2 Nominees to Obtain Absolute Majority on First Count**

- (1) Where there are 2 nominees on the Final List and neither nominee receives an absolute majority as referred to in subclause 29(2), after the President has announced the result appearing in the Returning Officer's record of the ballot, a further ballot shall be taken.
- (2) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (1) in the same way as they apply to and in respect of a ballot under those clauses.

## **31. Failure of Any of 3 Nominees to Obtain Absolute Majority on First Count**

- (1) Where there are 3 nominees on the Final List and no nominee receives an absolute majority as referred to in subclause 29(2), the nominee who has received the fewest first preferences after the first preferences of both orders of the members of the Synod have been added together shall be excluded and each ballot paper counted to him shall be counted to the nominee next in the order of the voter's preference.
- (2) Where there are 3 nominees on the Final List and 2 or more nominees have an equal number of first preferences after the first preferences of both orders of the members of the Synod have been added together and one of them is to be excluded, a further ballot shall be taken in respect only of those nominees who have received such equal number of first preferences.
- (3) Clauses 27, 28 and subclause 29(1) apply to and in respect of a ballot under subclause (2) in the same way as they apply to and in respect of a ballot under those clauses.
- (4) The nominee who, on a ballot under subclause (2), receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.
- (5) If, after counting to a nominee the preferences of a nominee excluded under subclause (1) or subclause (4), one of the nominees receives an absolute majority of the votes of the members of the Synod in each order present and voting he shall be declared by the President to be elected.
- (6) Where no nominee receives an absolute majority as referred to in subclause (5), a further ballot shall be taken in respect of the nominees who have not been excluded.
- (7) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (6) in the same way as they apply to and in respect of a ballot under those clauses.

### **32. Consequences of Certain Ballots**

(1) If, after making a count in respect of a ballot taken under subclause 30(2) or subclause 31(7), one of the nominees receives an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(2) If, after making a count referred to in subclause (1), no nominee receives an absolute majority as so referred to, the Synod shall adjourn to the following day or a later day determined by the Synod.

### **33. Proceedings on Resumption After Adjournment**

(1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause 32(2), for the purpose of determining the course of action the Synod shall pursue, the President shall, without debate, put the following motions in the following order –

- (a) That a further ballot be taken in respect of the nominees not excluded from the Final List.
- (b) That the Synod reconsider the nominees on the Final List by reverting to the procedure specified in clause 27 and the following clauses of this Ordinance.
- (c) That the Synod reconsider the nominees on the Select List by reverting to the procedure specified in clause 16 and the following clauses of this Ordinance.
- (d) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

(2) Where a motion put under subclause (1) is carried, the President shall not be required to put any subsequent motion under that subclause.

(3) The provisions of this Ordinance shall apply, in so far as they are applicable, to and in respect of a motion carried under subclause (1).

### **33A. Starting the Nomination Process again after Adjournment**

If the Synod is adjourned pursuant to clause 15(9), 17(5), 24(4)(b) or 33(1)(d) –

- (a) the Standing Committee is to declare within a period of 5 weeks from the adjournment the date on which the vacancy in the See of Sydney is deemed to have occurred for the purposes of starting the nomination process again under this Ordinance, and
- (b) the Administrator shall, within 21 days after the date of the deemed vacancy, issue a notice reconvening the Synod as if the notice were a notice to summon the members of the Synod under clause 5(1).

Offer, Acceptance, Confirmation etc

### **34. Confirmation of Election**

The Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 applies to and in respect of the confirmation of a person elected in accordance with this Ordinance.

### **35. Commencement in Office**

Where the election of a nominee under this Ordinance –

- (a) is not required to be confirmed under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965; or
- (b) is required to be confirmed under that Ordinance and the election of the nominee is certified pursuant to that Ordinance,

the nominee elected shall become the Archbishop upon acceptance by him, his consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese having made the solemn promises contained in the Second Schedule to this Ordinance and handed a written copy of the declaration to the Registrar.

### **36. Refusal of or Delay in Confirmation**

Where the confirmation of the nominee elected under this Ordinance is required under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 and the election of the nominee is not certified pursuant to that Ordinance, the election of the nominee shall be null and void and proceedings shall be taken under this

Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

### **37. Provision Against Deadlock**

Where –

- (a) the election of the nominee has become null and void pursuant to clause 36; and
- (b) the nominee is again elected under the provisions of this Ordinance,

then subject to the election of the nominee being certified pursuant to the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965, the nominee shall become Archbishop upon acceptance by him, consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese.

### **38. Failure of Nominee to Accept Election, etc**

If a nominee elected under this Ordinance does not accept the election or is not consecrated or does not take his seat in the Cathedral Church of the Diocese within a reasonable time after the election, as the case may be, then, upon a resolution in that behalf being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the election shall be null and void and proceedings shall be taken under this Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

### **39. Failure to Fill Vacancy for Other Cause**

Where the vacancy in the See is not filled as a consequence of a cause not provided for in this Ordinance, then, upon a resolution declaring the failure being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the proceedings under this Ordinance shall be repeated until the vacancy is filled as if the vacancy had occurred immediately before the passing of the resolution.

### **40. Declaration of Election**

When a person has been elected Archbishop in accordance with this Ordinance, the President shall cause a declaration of the election to be published on the SDS website, and announced in the Cathedral Church of the Diocese during the time of Public Worship on the next Sunday, the terms of the declaration being as follows –

(Title and name of the person elected)  
has been duly elected Archbishop of Sydney  
and consequently Metropolitan  
of the Province of New South Wales.

### **41. Proceedings after Declaration of Election**

As soon as a person is publicly declared to be elected Archbishop in accordance with clause 40, the Administrator, shall take such steps to arrange for the consecration, if applicable, and inauguration of the Archbishop-elect.

Interpretation, Repeals, Saving Provision etc

### **42. Application of Other Ordinances**

(1) The Conduct of the Business of Synod Ordinance 2000, shall, except to the extent of any inconsistency with the provisions of this Ordinance, apply to a meeting of the Synod summoned in accordance with this Ordinance.

(2) To the extent of any inconsistency between the provisions of this Ordinance and the Standing Committee Ordinance 1897, as subsequently amended, with respect to a meeting of the Synod summoned in accordance with this Ordinance, the provisions of this Ordinance shall prevail.

### **43. Manner of Dealing with Certain Circumstances**

Where any circumstance arises in relation to a meeting of the Synod summoned in accordance with this Ordinance for which no provision is made in this Ordinance, that circumstance shall be dealt with in such manner as may be determined by resolution of the Synod, or if the Synod is not then in session, of the Standing Committee.

#### **44. Repeals**

(1) The Archbishop of Sydney Appointment Ordinance 1962, the Elections Amendment Ordinance 1981 and clauses 5A, 5B, and 5C of the Election Ordinance 1970 are repealed.

(2) A repeal under subclause (1) shall not affect or invalidate any act, matter or thing done or suffered to be done or any election or appointment made under or by virtue of an Ordinance or provision repealed by subclause (1).

### **The First Schedule**

(To be used in the case of 3 nominees on the Final List)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

Place the number "1" in the square opposite the name of the nominee for whom you desire to give your first preference and the numbers "2" and "3" in the squares opposite the names of the other nominees in the order of your preference.

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(To be used in the case of 2 nominees on the Final List)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

Place the number "1" in the square opposite the name of the nominee for whom you desire to give your first preference and the number "2" in the square opposite the name of the other nominee.

### **The Second Schedule**

I ..... firmly and sincerely believe the Holy Scripture to be the Word of God, and assent to the doctrine of the Anglican Church of Australia, an expression of the Catholic and Apostolic Faith which is determined by the teaching of Scripture, confessed in the 39 Articles and given liturgical form in the Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons, and I solemnly promise to teach and uphold the Word of God.

I ..... solemnly promise to conduct only services in the Book of Common Prayer or –

- (a) services authorised by ordinance of the Synod for use in the Diocese, or
- (b) other services of public worship which are agreeable to the Word of God and consistent with the doctrine of the Anglican Church of Australia,

pursuant to the General Synod – Canon Concerning Services 1992 Adopting Ordinance 1998.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will neither by myself nor by others permit the use of the chasuble or other eucharistic vestment in any church or chapel or other place in the Diocese in which I officiate.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will administer and distribute the elements of bread and wine separately in the Holy Communion.

## The Contemporary Role of the Archbishop of Sydney

*The following paragraphs are an amended extract (originally paragraphs 44-50) from 'An Evangelical Episcopate', a report of the Sydney Diocesan Doctrine Commission, received by the Synod in October 2018.*

1. The biblical principles of oversight or *episkopē*, refracted through history, have shaped the contemporary role and function of the Archbishop of Sydney. Sydney's episcopate is resolutely evangelical, in keeping with the Diocese it serves, and its archbishops have very largely been pastors and teachers, guardians and representatives of the Protestant faith, and able administrators. However, as Sydney has grown and as the structures of the Diocese and the denomination have developed, legal and institutional responsibilities have become more prominent. Nevertheless, the leadership of the Diocese of Sydney by its Archbishop, though very much personal and so influenced by the personality, gifts and special interests of each incumbent, has developed a discernible character. Our evangelical conviction demands that we ensure that the character of the archiepiscopal office, and by extension the regional bishops who assist him, faithfully reflects the biblical functions and priorities of oversight.

2. The first priority of the Archbishop of Sydney is to be a **guardian** of 'the faith that was once for all delivered to the saints' (Jude 3). This is the priority found in the New Testament and in the Anglican Ordinal. Through public proclamation and defence of the apostolic gospel, by his personal example and in all his pastoral and administrative activity, he is to do all in his power to ensure that the teaching of Scripture shapes and directs the life, ministry and mission of the Diocese. This requires the courage to speak the truth taught in Scripture when it is not popular, but equally to oppose deviation from that truth where it arises. It requires both teaching and the exercise of discipline. It requires making decisions on the basis of theological principles shaped by the biblical gospel. In this way the Archbishop of Sydney will, as Sir Marcus Loane once put it, 'share the heritage and tradition of this diocese, and will interpret it to others, and transmit it to posterity' (*Synod Presidential Address, 1966*).

3. A second priority of the Archbishop of Sydney is to **order the ministry** of the Diocese to the gospel of Christ and his mission. In many ways this is merely an extension of the first priority. Principally this involves the selection and authorisation of appropriate men and women for various ministries within the Diocese. Appointing people of godly character with theological clarity, pastoral sensitivity, and demonstrably in possession of the gifts and skills appropriate for the ministry under consideration, is a prime way the Archbishop can foster the health and gospel-mindedness of the Diocese. However, once again this must extend to dealing appropriately with those whose discharge of the responsibilities entrusted to them has been negligent in some fashion or contrary to the teaching of Scripture. Furthermore, the ordering of ministry to the gospel of Christ also involves encouraging and facilitating the reform of ministries where, for one reason or another, they no longer serve the mission of reaching the lost and building up believers.

4. A third priority is to exercise **pastoral concern and insight** as he provides advice and direction for gospel ministry in the Diocese. This has been the self-understanding of bishops throughout the twentieth century and this expression has been a regular feature in presidential addresses to election synods in the Diocese (Gunther 1909; Kirkby 1933; Barnett 2001; Forsyth 2013). This has not meant the Archbishop is expected to act as pastor to every Anglican in the Diocese, nor even to be the principal 'pastor to the pastors'. Rather, the Archbishop models pastoral care in all his interactions and so helps to encourage throughout the Diocese a commitment to thoughtful, caring relationships in which the spiritual welfare of the other person is of paramount concern.

5. A fourth priority is to **represent the Diocese**, in various national and international bodies, to the government, and generally to the community. As we have seen, this role arises from history rather than directly from the biblical text or the Ordinal. Nevertheless, it is another significant way in which the guardianship of gospel truth and mission is exercised by the Archbishop of Sydney and has been a feature of the office from its inception. This public role requires a humble confidence in the theological convictions and character of the Diocese of Sydney, since *this* is the Diocese that is being represented. In the denominational context, the Archbishop of Sydney ought to be a clear voice for an unambiguously biblical, evangelical Anglicanism, willing to stand alongside all who seek to live and serve in a way that is directed and disciplined by the word of



God. In the rapidly changing context of Christian witness in this city and nation it requires a degree of mental agility and apologetic skill to handle opposition and even hostility with grace and humility and yet with the courage to present the truth of Scripture as it bears on the subject at hand.

6. A fifth priority is the **administration** of the Diocese in line with its mission. The diligent attention to administration is not to be seen as a distraction from ministry but rather serving the interests of ministry. The governance, policies and processes of the Diocese ought to facilitate its mission and a proper administration of them will direct them to this end. In a diocese with five assistant bishops, the administrative burden need not fall on the Archbishop alone, or perhaps even principally. One or more of the assistant bishops may be more able in this area and so able to shoulder much of the load. Yet faithful administration is itself a form of guardianship and the reason why bishops and the Archbishop play a key role on boards and committees of the Diocese is to ensure that all its organisations order themselves and their activities by the gospel and the commission we have received from Christ, reflecting the theological ethos and the priorities of the Diocese.

7. Ultimately, what will shape the Archbishop of Sydney more than any other single factor is his personal walk with Christ. His Christian character, his prayerfulness, his faithful obedience to the word of God, his loving care for both the lost and the redeemed, his courageous determination to proclaim the truth and to refute error, and possessing a keen sense of his accountability to the Chief Shepherd (1 Pet 5:4) are critical to the faithful and effective discharge of this responsibility. Under God's good hand, the history of this Diocese is full of bishops and archbishops who were exactly like this and whose ministry has furthered the mission of the gospel, brought blessing to God's people, and honoured the name of Christ.

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#### Table of Amendments

Title	Amended by Ordinance No 26, 2009.
Long Title	Amended by Ordinance No 26, 2009 and 41, 2019.
Preamble	Amended by Ordinance No 41, 2019.
Clause 1	Substituted by Ordinance No 41, 2019.
Clause 2	Substituted by Ordinance No 41, 2019.
Clause 3	Substituted by Ordinance No 41, 2019.
Clause 4	Substituted by Ordinance No 41, 2019.
Clause 5	Substituted by Ordinance No 41, 2019.
Clause 6	Substituted by Ordinance No 41, 2019.
Clause 7	Substituted by Ordinance No 41, 2019.
Clause 8	Substituted by Ordinance No 41, 2019.
Clause 9	Amended by Ordinance Nos 41, 1997, 14, 2001 and 38, 2014.
Clause 10	Amended by Ordinance No 41, 1997.
Clause 11	Amended by Ordinances Nos 41, 1997, 26, 2009 and 41, 2019.
Clause 13	Amended by Ordinance No 41, 2019.
Clause 14	Amended by Ordinance No 41, 2019.
Clause 15	Amended by Ordinances Nos 4, 1993; 41, 1997; 27, 1999; 26, 2009 and 41, 2019.
Clause 15A	New clause inserted by Ordinance No 41, 1997. Amended by Ordinance No 41, 2019.
Clause 16	Amended by Ordinance No 41, 1997.
Clause 16A	New clause inserted by Ordinance No 41, 1997. Amended by Ordinance No 41, 2019.
Clause 17	Amended by Ordinances Nos 41, 1997; 26, 2009; 21, 2013 and 41, 2019.
Clause 18	Amended by Ordinance No 41, 2019.
Clause 22	Amended by Ordinance No 41, 1997 and 41, 2019.
Clause 23	Amended by Ordinance No 41, 1997.
Clause 24	Amended by Ordinance No 26, 2009.

Clause 25	Amended by Ordinance No 41, 1997.
Clause 27	Amended by Ordinance No 35, 2011 and 41, 2019.
Clause 30	Amended by Ordinance No 41, 2019.
Clause 31	Amended by Ordinance No 4, 1993.
Clause 33	Amended by Ordinance No 26, 2009.
Clause 33A	Inserted by Ordinance No 26, 2009 and amended by Ordinance No 25, 2010 and 41, 2019.
Clause 35	Amended by Ordinances Nos 5, 2001, 35, 2011 and 41, 2019.
Clause 36	Amended by Ordinance No 5, 2001.
Clause 37	Amended by Ordinance No 5, 2001 and 41, 2019.
Clause 40	Amended by Ordinance No 41, 2019.
Clause 41	Amended by Ordinance No 41, 2019.
Clause 42	Amended by Ordinance No 5, 2001.
Clause 44	Amended by Ordinance No 26, 2009 and 41, 2019.
First Schedule	Amended by Ordinances Nos 26, 2009, 35, 2011 and 41, 2019.
Second Schedule	Inserted by Ordinance No 35, 2011 and amended by Ordinance No 19, 2013.
Appendix	Inserted by Ordinance No 41, 2019.

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29 October 2019

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