



## **Archbishop of Sydney Appointment Amendment Ordinance 1997**

No 41, 1997

An Ordinance to further amend the Archbishop of Sydney Appointment Ordinance 1982, to amend other ordinances in so far as they apply to the office of Archbishop of Sydney and for other purposes.

The Synod of the Diocese of Sydney Ordains -

### **Name of Ordinance**

1. This Ordinance is the Archbishop of Sydney Appointment Amendment Ordinance 1997.

### **Amendment of the Administrator Ordinance 1996**

2. Clause 4 of the Administrator Ordinance 1996 is amended by inserting the following matter after "person" -

" , not being a nominee in such an election, ".

### **Amendment of the Archbishop of Sydney Appointment Ordinance 1982**

3. The Archbishop of Sydney Appointment Ordinance 1982 is amended as follows -

(a) clause 7 is deleted and the following new clause is inserted instead -

#### **"Nominations**

7. (1) Any 2 or more members of the Synod may, in accordance with subclause (2) of this clause, nominate any duly qualified person for the office of Archbishop of the See of Sydney.

(2) A nomination under subclause (1) of this clause must -

(a) be in writing;

(b) be signed by the nominators;

(c) specify the address for service of notices on the nominators and the address for service of notices on the nominee; and

(d) be given to the person and at the place specified in the notice referred to in subclause (1) of clause 5 not later than 35 days before the day on which the meeting of the Synod shall commence.

(3) A duly qualified person shall be deemed not to have been nominated to the office of the Archbishop of the See of Sydney unless one or more nominations signed by not less than 20 members of Synod are received under subclause (2).

(4) Upon a person being nominated to the office of the Archbishop of the See of Sydney, the person specified in the notice referred to in subclause (1) of clause 5 must give the nominee notice in writing that he is a nominee for that office. A notice under this subclause is deemed to have been sufficiently given if sent by post to the address for the nominee specified in a nomination under subclause (2) and if there are one or more different addresses so specified, notice shall be sufficiently given if sent by post to one of those addresses.

(5) Upon receipt of a notice under subclause (4) the nominee may, within 14 days, give notice that he does not wish to be a nominee for the office of Archbishop of the See of Sydney whereupon that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for that office.”.

(b) In clause 8 the words “and seconded” after the word “nominated” where lastly appearing are deleted.

(c) Clause 9(1) is deleted and the following new subclause is inserted instead -

“(1) The nominators of a nominee must -

(a) determine, among themselves in relation to each stage in the proceedings under this Ordinance, who shall propose and second the nomination at that stage and who will otherwise speak in favour of the nomination at that stage; and

(b) notify either of the secretaries 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.”

(d) In clause 9(2) the words “and seconders” wherever occurring are omitted.

(e) Clause 9(3)(a) is deleted and the following new paragraph is inserted instead -

“(a) the member did not nominate the nominee under clause 7; or”

(f) In clause 10 the words “before the motion is put to the Synod” are omitted and the words “after all speeches have been made in respect of that motion” are inserted.

(g) In clause 11 the matter “(1)” is inserted before the word “The” where first appearing and a subclause (2) is inserted as follows -

“(2) The President may not invite or request another person to give the President’s address.

(h) Subclauses 15(4), (5) and (6) are deleted and the following new subclauses are inserted instead -

“(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.”.

(i) After clause 15, a new clause 15A is inserted as follows -

#### “Ballot Procedure

15A. (1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause (4) of clause 15 of a colour specified by the President as the colour to be used by the order to which that member belongs.

(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."

(i) Subclauses 16(3), (4) and (5) are deleted and the following new subclauses are inserted instead -

"(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."

(j) After clause 16, a new clause 16A is inserted as follows -

#### "Ballot Procedure

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

(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."

(k) In subclause 17(1) the words "in respect those nominees whose names were on the Select List but have not been placed upon the Final List" are omitted and the following words are inserted instead -

"in respect of each nominee whose name was on the Select List but was not placed upon the Final List"

(l) Subclause 17(2) is deleted and the following new subclause is inserted instead -

"(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 (4) and (5) of clause 16 and clause 16A apply to that ballot."

(m) In subclause 17(3) the matter ", the name of the nominee" is omitted and the following matter is inserted instead -

"in respect of a nominee, the name of that nominee".

(n) After clause 22(3) a new subclause (4) is inserted as follows -

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

(o) In clause 23(1) the matter "or 21," is omitted and the matter ", 21 or 22," is inserted instead.

(p) In clause 25(1) the matter "or 21," is omitted and the matter ", 21 or 22," is inserted instead.

#### **Amendment of the Retirements Ordinance 1993**

4. Clause 5 of the Retirements Ordinance 1993 is amended as follows -

(a) existing clause 5 is renumbered as subclause (1); and

(b) a new subclause (2) is inserted in the following terms -

"If the Archbishop is appointed Primate of the Anglican Church of Australia the retirement age of that Archbishop is extended until age 70 years."

#### **Amendment of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947**

5. Clause 6(3) of the Assistant Bishops (Bishops Coadjutor) Ordinance 1947 is deleted and the following subclause is inserted instead -

"(3) The appointment of an assistant bishop continues on the same terms after the date on which the election of a person to the office of Archbishop of Sydney has become effective."

#### **Repeal**

6. The General Synod - See Finance and Information Canon 1966 Adopting Ordinance 1967 is repealed.

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 24 October 1997.

#### **W.G.S. GOTLEY**

#### **C.J. MORONEY**

*Secretaries of Synod*

*I Assent to this Ordinance.*

#### **R.H. GOODHEW**

*Archbishop of Sydney*

17/11/1997