

Administrator Ordinance 1996

Explanatory Statement

1. The bill for the Administrator Ordinance 1996 is to enable the appointment of a person known as the "Administrator" who acts in the place of the Archbishop in the following instances -

Under 26th Article of the 1902 Constitution

(a) If the Archbishop is absent from the Province and he has not appointed a commissary, or if the See be vacant. (These powers include summoning the Synod to meet, assenting to rules or ordinances, suspending or revoking the licences of clergymen, and further functions under Section 8 of the Anglican Church of Australia Constitution Act 1961).

Under Section 39 of 1917 Act

(b) If the Archbishop is absent from NSW and he has not appointed a commissary, or if the Archbishop is incapacitated and has not appointed a commissary, or if the See is vacant. (These functions including giving of consents to the vesting of property and the giving of certificates relating to church trust property.)

(c) If the Archbishop is absent from NSW and he has made partial delegation of his powers to a commissary, in respect of the powers which have not been delegated.

2. If the Synod does not appoint an Administrator, in the circumstances listed above, the functions of the Archbishop are exercised by the person being next in rank or ecclesiastical degree, and being resident in the Diocese.

3. The appointment of an Administrator is made at the first session of each Synod under the following provisions of an Ordinance passed by the Synod in 1921 -

"(1) The person who shall be elected by ballot at the first session of each Synod is hereby appointed as the person by whom under the said circumstances and during the said periods the said powers are to be exercised in pursuance of the said 26th Section of the said Constitutions and as the person by whom the said powers, functions, and things are to be exercised, done or made in pursuance of the said 39th Section of the said Act.

(2) Nominations for the elections above referred to shall be made on the first day of each session any time prior to 9 pm. If only one person be nominated, such person shall be declared duly elected. If more than one, but not more than two person be nominated, a ballot shall take

place on the third day of such session as provided for in the Standing Orders. If more than two persons be nominated, an exhaustive ballot shall be taken at such session until only one name is left and the person whose name is left shall be declared duly elected.”

4. At the time the Administrator is appointed, it has been our custom to appoint a person to act as Administrator in the event of the death of the Administrator, his incapacity, his absence from the State, or his unwillingness to act.

5. Clause 4 of the bill is to cover the situation if the Administrator happens to be a nominee in an Archbishop’s election Synod.

For and on behalf of the Standing Committee

MARK PAYNE
Legal Officer

30 August 1996