

# 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 -
  - (a) the appointment of a person (whose name is to be included in the ordinance during the committee stage) as an assistant bishop; and
  - (b) the title of the new assistant bishop; and
  - (c) 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  $\frac{2}{3}$  of the clerical and  $\frac{2}{3}$  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  $\frac{2}{3}$  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 non-voting members of the Standing Committee.
7. There are currently 27 clerical members of the Standing Committee, including the non-voting 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  $\frac{2}{3}$  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 "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 to 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) and (3) (and also clause 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.

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10 April 2000