

# Archbishop Election Amendment Ordinance 2019

No 41, 2019

## Long Title

An Ordinance to amend the *Retirements Ordinance 1993* and the *Archbishop of Sydney Election Ordinance 1982*.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

## 1. Name

This Ordinance is the Archbishop Election Amendment Ordinance 2019.

## 2. Amendment

- (1) The *Retirements Ordinance 1993* is amended by inserting the following new subclause 5(3) –  
'(3) Notwithstanding subclause (1), since it is desirable to hold an election Synod in the first half of the year, a further extension up to six months may be given to the Archbishop, by resolution of the Standing Committee passed by a three-quarters majority of members present and entitled to vote in each house of clergy and laity at the relevant meeting.', and
- (2) The *Archbishop of Sydney Election Ordinance 1982* is amended as follows –
  - (a) delete the matter "Archbishops" in the Long Title and insert instead "an Archbishop",
  - (b) delete all the matter contained in the Preamble and insert instead the following –

'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.'
    - (c) delete all the matter contained in clauses 1 to 8 and insert instead the matter contained in the First Schedule,
    - (d) in all instances throughout the Ordinance where a subclause is referenced with the format 'subclause (α) of clause β' substitute the following format instead – 'subclause β(α)',
    - (e) in all instances throughout the Ordinance where a subclause is referenced with the format 'subclause (α) of this clause' substitute the following format instead – 'subclause (α)',
    - (f) delete subclauses 11(1)(f) and (g) (and renumber the existing clauses (h) – (l) as (f) – (j)),
    - (g) delete subclauses 13(c) and (d) (and renumber the existing clauses (e) – (g) as (c) – (e)),
    - (h) in the renumbered clause 13(d) delete the words 'of the See of Sydney',

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- (i) amend clause 14 as follows –
  - (i) delete the words ‘and the number of members of the Synod (being, where applicable, the numbers of the members of each order) who have voted against the motion’ in subclause 14(1) and insert instead the words ‘and against the motion’, and
  - (ii) delete the word ‘analysis’ in subclause 14(2) and insert instead the word ‘result’,
- (j) amend clause 15 as follows –
  - (i) delete the matter ‘(a)-(k) of clause 11(1)’ in subclause 15(1) and insert instead the matter ‘11(1)(a)-(k)’,
  - (ii) insert the matter ‘The purpose of the proposer and seconder’s speeches is to promote the characteristics of their candidate.’ after the full stop, and
  - (iii) delete the words ‘order in which the’ and ‘shall be determined by the President by lot’ in subclause (7), and insert the words ‘in alphabetical order’ before the full stop,
- (k) in subclause 15A(1) delete the words ‘as the colour to be used by the order to which that member belongs’ and insert instead ‘as the colour to be used by the members of each order’,
- (l) in clause 16A delete the words ‘as the colour to be used by the order to which that member belongs’ and insert instead the words ‘as the colour to be used by the members of each order’,
- (m) insert the words ‘on the Final List’ in the heading of clause 17 after the word ‘Nominees’,
- (n) insert the words ‘on the Final List’ in the heading of clause 18 after the word ‘Nominees’,
- (o) in subclause 22(1) –
  - (i) after the matter, ‘one or more of them is to be excluded’, insert the words ‘and one or more of them is to remain upon the Final List’,
  - (ii) omit the matter, ‘only 1 of those nominees, being the nominee whose name’, and insert instead –
    - ‘the number of those nominees not to be excluded, being the nominee (or nominees) whose name (or names)’, and
  - (iii) omit the final sentence.
- (p) delete the word ‘analysis’ in subclause 30(1) and insert instead the word ‘result’,
- (q) in subclause 27(1) delete the words ‘of a colour specified by the President as the colour to be used by the order to which that member belongs’ and insert instead the words ‘of a colour specified by the President to be used by the members of each order’,
- (r) delete the words ‘person who is entitled under the Constitutions to exercise the powers vested in the Archbishop’ in subclause 33A(b) and insert instead the word ‘Administrator’,
- (s) delete the words ‘of the See of Sydney’ in subclause 35,
- (t) delete the words ‘of the See of Sydney’ in subclause 37,
- (u) amend clause 40 as follows –
  - (i) delete the words “of Sydney” where they first appear,
  - (ii) delete the words ‘publicly made’ and insert instead the words ‘published on the SDS website, and announced’,
  - (iii) delete the words “Divine Service” and insert instead the words “Public Worship”,
  - (iv) delete the word ‘of’ before ‘has been duly elected’,
  - (v) delete the words ‘this diocese’ and insert instead the word ‘Sydney’, and
  - (vi) delete the words ‘as Archbishop he is also’ and insert instead the word ‘consequently’,
- (v) amend clause 41 as follows –
  - (i) delete the words ‘President, or if the Synod is not then in Session, the Standing Committee’ and insert instead the word ‘Administrator’, and
  - (ii) delete the words ‘give effect to the election as the Synod may direct’ and insert instead the words ‘arrange for the consecration, if applicable, and inauguration of the Archbishop-elect’,
- (w) delete clause 44,
- (x) insert the words ‘on the Final List’ in the First Schedule after the words ‘3 nominees’, and after the words ‘2 nominees’, and

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- (y) insert an appendix with the matter found in the Second Schedule of this Ordinance.

### The First Schedule

#### 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 (1) of clause 6;
- “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;
- “Safe Ministry Check” means the check for clergy prescribed by the Standing Committee under the *Safe Ministry to Children Ordinance 2018*.
- “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;
- “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 –

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- (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

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- (d) be given to the Nomination Officer at the specified place, postal address or email address referred to in clause 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

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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).

## The Second Schedule

### Appendix

### 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

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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.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

P COLGAN  
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 15 October 2019.

D GLYNN  
Secretary

I Assent to this Ordinance.

G DAVIES  
Archbishop of Sydney

15/10/2019