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*Archbishop of Sydney Appointment Ordinance 1962*

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No. 32, 1962.

AN ORDINANCE to consolidate and amend Ordinances providing for the appointment of Archbishops to the Metropolitan See of Sydney.  
(Assented to 10th October, 1962.)

**PREAMBLE**

WHEREAS Determination 1 of General Synod 1881, Determination 11 of General Synod 1886, Determination 1 of General Synod 1901 and an Ordinance of the Provincial Synod of New South Wales 1901, contain clauses specifying several optional methods by which a qualified person may be elected to fill a vacancy in the Metropolitan See of Sydney and the Synod of the Diocese of Sydney adopted the said clauses and by certain Ordinances of the said Diocese namely an Ordinance for the appointment of Archbishops of the See of Sydney 1900, an Ordinance to provide an additional method of electing the Metropolitan 1901, and the additional method ordinance for the election of the Archbishop of Sydney 1906, the said clauses were made applicable in the case of a vacancy in the said See AND WHEREAS the Archbishop of Sydney Appointment Ordinance 1931 repealed the said Ordinances and provided for the use of only one of the said methods AND WHEREAS the Archbishop of Sydney Appointment Amending Ordinance 1958 provided for voting at certain stages by secret ballot AND WHEREAS it is expedient to substitute specific methods of voting at the final stage and to consolidate and set out in one Ordinance all the provisions necessary for filling the said vacancy AND WHEREAS it is also expedient in such consolidation to make certain amendments NOW The Synod of the Diocese of Sydney in pursuance of the power conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales ordains and rules as follows:—

**REPEAL**

1. The Ordinances following namely:—

- (a) "Archbishop of Sydney Appointment Ordinance 1931."
- (b) "Archbishop of Sydney Appointment Amending Ordinance 1958."

are hereby repealed but such repeal shall not affect or invalidate any act done or any election or appointment made under or by virtue of the said Ordinances or any of them.

## MEETING OF SYNOD

2. When any vacancy shall occur in the See of Sydney the person who in such case under the Constitutions is entitled to exercise the powers thereby vested in the Archbishop shall within twenty-one days after the passing of a resolution in that behalf by the Standing Committee of the Synod of the Diocese of Sydney summon a meeting of the Synod for filling up the vacancy of the See the meeting to be holden on any Friday within the period being not less than six weeks or more than three months from the passing of the said resolution and at such time and place in Sydney as to the person so summoning the meeting shall seem expedient.

## PRESIDENT'S ADDRESS, AND NOMINATIONS

3. When the Synod shall have assembled the President shall address the Synod. The public shall then be excluded and continued to be excluded until the proceedings have terminated. After prayer has been offered by the President for God's guidance in the election the President shall call for nominations.

## NOMINATIONS AND LIST OF NOMINATIONS.

4. Any member of the Synod may nominate any duly qualified person for the office of Archbishop of the See of Sydney. Each nomination shall be in writing and shall be handed to the Secretaries of Synod signed by the person nominating and by some other member of Synod as seconder. The names of all persons nominated shall be placed by the Secretaries of the Synod on a list in alphabetical order with the names of the nominator and seconder and such list shall be handed to the President of the Synod as aforesaid who shall then announce to the Synod the names of all persons nominated and their nominators and seconders. No nomination shall thereafter be received. The Synod shall then adjourn until the following Monday.

## SELECT LIST

5. When the Synod shall meet in pursuance of the above-mentioned adjournment each of the persons whose names appear on the list of nominations shall be proposed and seconded in the order in which his name appears on the said list and the president shall proceed to put the question in regard to each of the persons nominated—

"Shall (A.B.) be placed upon the Select List?"  
and if the question shall be carried by a majority of either order of the members of the Synod then present upon a show of hands the name of that person shall be placed upon the Select List.

#### REDUCING SELECT LIST

6. When the names of the several persons nominated have been either placed on the Select List or rejected each person whose name appears on the Select List shall be proposed and seconded in the order in which his name appears on the said list and the President shall proceed to put the question in regard to each of the persons whose name appears on the Select List—

"Shall (A.B.) be placed upon the Final List?"

and the vote upon each name shall be taken upon a show of hands or if any five members of Synod by rising in their places require a division then by a division which shall forthwith be taken in accordance with the provisions of the Standing Orders of the Synod or if any thirty members of Synod by rising in their places require a ballot then a ballot shall be taken forthwith in accordance with the provisions of such Standing Orders and if the question shall be carried by a majority of each order then present and voting the name of the person so voted for shall be placed upon a list to be called the Final List provided that if the question shall be carried with regard to less than three names each person whose name appears on the Select List shall be proposed and seconded in the order in which his name appears on the Select List for a second time and the President shall proceed to put the same question as set out in this clause and the vote upon each name shall be taken by a show of hands or by a division or by a ballot as hereinbefore set out in this clause and if the question shall be carried by a majority of each order then present and voting the name of the person so voted for shall be placed upon the Final List provided further that if the question shall again be carried with regard to less than three names all the names upon the Select List shall be placed upon the Final List.

7. (a) The President shall then announce to the Synod the names which have been duly placed upon the Final List. Each name upon the Final List shall be proposed and seconded in like manner as the names on the Select List.
- (b) If there is only one name upon the Final List the President shall proceed to put the question—

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"Shall (A.B.) be Archbishop of Sydney?" And if resolved by a majority in both orders he shall be declared by the President to be elected.

- (c) If there are two or three names upon the Final List the Synod shall again meet the following day but excluding Saturday and Sunday.
- (d) If there are more than three names upon the Final List an exhaustive ballot shall be taken so as to reduce the names on the Final List to three and for that purpose ballot papers shall be provided on which each member of the Synod then present and voting shall write on his ballot paper the names of all candidates in the order in which they appear on such list and each member present and voting shall vote for all candidates less one by placing a cross opposite their names. The candidates receiving the lowest number of votes shall be excluded and a fresh ballot taken in like manner until the names on the Final List shall be reduced to three and the Synod shall then adjourn until the following day but excluding Saturday and Sunday.

### LIMITATION OF SPEECHES

8. A member of Synod proposing any persons under the provisions of clauses 5, 6 or 7 hereof shall not speak for more than fifteen minutes in support of the nomination and ten minutes in reply and the seconder and other members shall not speak for more than ten minutes provided however that Synod may grant any member leave to speak or to continue his speech for such extended time as it may determine.

### FINAL VOTE

- 9. (a) When the Synod shall meet in pursuance of the last mentioned adjournment ballot papers shall be provided in the form appropriate to the number of candidates whose names appear on the Final List as prescribed in the Schedule to this Ordinance distinguishing by colour those to be used by the respective orders.
- (b) In printing the ballot papers the names of all candidates on the Final List shall be printed in alphabetical order according to their surnames.

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- (c) A square shall be printed opposite the name of each candidate.
- (d) The vote shall be taken by orders and each member of the Clergy and Laity present and voting shall record his vote by placing the number "1" in the square opposite the name of the candidate for whom he desires to give his first preference and the number "2" or the numbers "2" and "3" as the case may require in the squares opposite the name or names of the other candidates so as to indicate by numerical sequence the order of his preference.

### METHOD OF COUNTING VOTES

- 10. (a) The Returning Officer shall count the total number of first preferences given by members of the respective orders for each candidate.
- (b) If one of the two or three candidates as the case may be has received an absolute majority of first preferences in each order he shall be declared by the President to be elected.
- (c) If there be two candidates and neither has received an absolute majority of first preferences in each order the Returning Officer shall hand to the President his record of the counting at that stage and the President shall announce the analysis appearing in such record and immediately thereafter ballot papers shall be provided as set out in sub-clauses (a), (b) and (c) of clause 9 and a second ballot shall be taken as provided by sub-clause (d) of the same clause and if after counting the votes in the second ballot neither candidates has received an absolute majority of first preferences in each order then the Returning Officer shall aggregate the first preferences cast in both orders in favour of each candidate in the second ballot and the candidate having the greater aggregate of first preferences shall be declared by the President to be elected.
- (d) If there be three candidates and no candidate has received an absolute majority of first preferences in each

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order the Returning Officer shall make a second count of the votes in each order.

- (e) On the second count the candidate who has received the fewest first preferences shall be excluded and each ballot paper counted to him shall be counted to the candidate next in the order of the voter's preference but if in either order two or more candidates have an equal number of votes and one of them is to be excluded a ballot shall be taken in that order *de novo*.
- (f) If after the second count one candidate has an absolute majority of votes in each order he shall be declared by the President to be elected.
- (g) If after the second count no candidate has an absolute majority of votes in each order the Returning Officer shall hand to the President his record of the counting at that stage and the President shall announce the analysis appearing in such record and immediately thereafter ballot papers shall be provided as set out in sub-clauses (a), (b) and (c) of clause 9 and a second ballot shall be taken as provided by sub-clause (d) of the same clause and if after counting the votes in the second ballot in accordance with the provisions of sub-clauses (a), (d), (e) and (f) of this clause no candidate has received an absolute majority of votes then the Returning Officer shall aggregate the votes cast in favour of each candidate in each order in the second ballot and if after aggregation one of such candidates has received an absolute majority of first preferences he shall be declared by the President to be elected but if none of the three candidates has received an absolute majority of first preferences the Returning Officer shall make a second count of such aggregated votes and the candidate who has received the fewest first preferences shall be excluded and each ballot paper counted to him shall be counted to the candidate next in the order of the voter's preference and the candidate then having an absolute majority of votes shall be declared by the President to be elected: but if after such aggregation two or more candidates have an equal number of votes and one of them is to be excluded further ballots shall be taken until one candidate has been excluded.

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### PROCEEDINGS AFTER ELECTION

11. When a person shall have been so declared to be elected as aforesaid the President of the Synod shall transmit the name of such person together with a Certificate of his election to the Senior Bishop of the Province then within the Province for consideration by the Bishops of the Province and if the Bishops of the Province or a majority of them shall be satisfied with canonical fitness of the person so elected and shall give notification thereof to the President of the Synod of the Diocese the election of such person shall be deemed to have been duly confirmed by the Bishops of the Province.

### IF ELECTION CONFIRMED

12. If the election shall be confirmed as aforesaid the person so elected shall become Archbishop of the See of Sydney upon acceptance by him and consecration if not then consecrated.

### IF CONFIRMATION REFUSED

13. If the Bishops of the Province or a majority of them shall not be satisfied with the canonical fitness of the person so elected and shall give notification thereof to the President of the Synod of the Diocese the said 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 such notification.

### PROVISION IN CASE OF DELAY

14. If no notification shall have been given as aforesaid within three months from the receipt by the said Senior Bishop of such certificate of election as aforesaid the said 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 such election becoming null and void.

### PROVISION AGAINST DEADLOCK

15. If any person canonically fit shall have been elected under this Ordinance and his election shall have become null and void under any of the preceding provisions of this Ordinance and the same person shall again be elected under the provisions of this Ordinance such person shall become Archbishop of the See of Sydney upon acceptance and consecration as aforesaid.

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16. If any person so elected as aforesaid shall not have accepted such election or be consecrated within a reasonable time then upon a resolution in that behalf being made by the Synod of the Diocese or if the Synod be not in Session by the Standing Committee of the Synod the said 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 such election becoming null and void.

17. In case a failure in filling a vacancy in the said See shall occur from any cause not hereinbefore provided for the proceedings hereinbefore directed shall be repeated until such vacancy shall be filled up as if the vacancy had occurred immediately before a resolution of the Standing Committee of the Synod declaring such failure.

### DECLARATION OF ELECTION

18. When the vacancy in the said See has been filled up as aforesaid the President of the Synod shall cause a declaration thereof to be publicly made in the Cathedral Church of the Diocese during the time of Divine Service on the next Sunday the terms of such declaration being as follows:-

(Title and name of the person elected)

of

has been duly elected Archbishop of this Diocese  
and as such Archbishop he is also Metropolitan of  
the Province of New South Wales.

### PROCEEDINGS AFTER DECLARATION OF ELECTION

19. So soon as any person shall have been publicly declared to be elected Archbishop as aforesaid the President of the Synod or if the Synod be not in Session the Standing Committee of the Synod shall take such steps to give effect to such election as the Synod may direct.

20. This Ordinance may be cited as "Archbishop of Sydney Appointment Ordinance, 1962."



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THE SCHEDULE

(To be used in the case of 3 candidates)

ARCHBISHOP OF SYDNEY APPOINTMENT ORDINANCE 1962  
BALLOT PAPER

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

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(To be used in the case of 2 candidates)

ARCHBISHOP OF SYDNEY APPOINTMENT ORDINANCE 1962  
BALLOT PAPER

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

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

ATHOL RICHARDSON,  
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this Tenth day of October, 1962.

K. N. SHELLEY, W. L. J. HUTCHISON,  
Secretaries of Synod.

I assent to this Ordinance.

HUGH SYDNEY,  
Archbishop of Sydney.

10/10/1962