

# Archbishop of Sydney Election Ordinance 1982

(Reprinted under the Interpretation Ordinance 1985.)

The Archbishop of Sydney Appointment Ordinance 1982 as amended by and in accordance with the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 1993, the Archbishop of Sydney Appointment Amendment Ordinance 1997, the Miscellaneous Amendments Ordinance 1999, the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 2001, the Archbishop of Sydney Appointment Ordinance 1982 Further Amendment Ordinance 2001, the Archbishop of Sydney Election Amendment Ordinance 2009, the Archbishop of Sydney (Election and Retirement) Amendment Ordinance 2010, the Archbishop of Sydney (Solemn Promises) Amendment Ordinance 2011, the Solemn Promises Ordinance 2011 Amending Ordinance 2013 and the Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2013.

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## Long Title

An Ordinance to provide for the election of Archbishops to the Metropolitan See of Sydney.

## Preamble

Whereas

A. By resolution No 7 of 1982, the Synod of the Diocese of Sydney expressed its belief that the Archbishop of Sydney Appointment Ordinance 1962 was unnecessarily obscure and was understood to contain many deficiencies and the Synod requested the Standing Committee of the Synod, among other things, to bring, if appropriate, amending legislation to the next session of Synod.

B. The Standing Committee has complied with the request.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

## Preliminary/Vacancy

### 1. Citation

This Ordinance may be cited as the "Archbishop of Sydney Election Ordinance 1982".

### 2. Resolution that Vacancy be filled

(1) Except where the Standing Committee has passed a resolution under subclause (2) of this clause, the Standing Committee shall, as soon as practicable after the date on which a vacancy occurs in the See of Sydney, resolve that the vacancy be filled in accordance with this Ordinance.

(2) The Standing Committee may, at any time within the period no sooner than 20 weeks and no later than 14 weeks before the date on which a vacancy shall occur in the See of Sydney, resolve that the vacancy be filled in accordance with this Ordinance.

### 3. Appointment of Returning Officers

Where the Standing Committee has passed a resolution under subclause (1) or (2) of clause 2, it shall –

- (a) not less than 28 days prior to the date upon which a meeting of the Synod is summoned under clause 5, appoint a Returning Officer and a Deputy Returning Officer for the purposes of that meeting; and

- (b) inform the Secretaries of Synod of the appointments.

#### **4. Functions of Returning Officers**

(1) The Returning Officer appointed under clause 3 shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(2) Where the Returning Officer appointed under clause 3 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.

(3) In the exercise and performance of his powers, authorities, duties and functions under this Ordinance, the Returning Officer may, with the approval of the President, have and use the assistance of such persons as the Returning Officer considers necessary.

#### **5. Summoning of Synod**

(1) Where the Standing Committee has passed a resolution under subclause (1) of clause 2, 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 shall, within 21 days after the passing of the resolution, summon, by notice in writing given, so far as is possible, to each member of the Synod, a meeting of the Synod in order to fill the vacancy.

(1A) Where the Standing Committee has passed a resolution under subclause (2) of clause 2, the Archbishop shall, within 21 days after the passing of the resolution, summon, by notice in writing given, so far as is possible, to each member of the Synod, a meeting of the Synod in order to fill the vacancy.

(2) A meeting of the Synod summoned under subclause (1) of this clause –

- (a) shall be held within the period being not less than 9 weeks and not more than 16 weeks after the occurrence of the vacancy;
- (b) may commence on any day of the week; and
- (c) shall be held at a place within the Diocese of Sydney.

(2A) A meeting of the Synod summoned under subclause (1A) of this clause –

- (a) shall be held within the period being not less than 3 weeks and not more than 6 weeks after the occurrence of the vacancy;
- (b) may commence on any day of the week; and
- (c) shall be held at a place within the Diocese of Sydney.

(3) The notice referred to in subclause (1) or (1A) of this clause shall specify –

- (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) the day, determined in accordance with clause 7, on which nominations of duly qualified persons for the office of Archbishop of the See of Sydney shall close;
- (d) the person to whom and the place at which nominations shall be given; and
- (e) such other matters as the person giving the notice thinks fit.

#### **6. Administrative Committee**

(1) 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 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 –

- (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.

## **6A. Report concerning finances of the See**

(1) 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 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 specified person referred to in paragraph (d) of clause 5(3).

(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 specified person referred to in paragraph (d) of clause 5(3) is to send a copy of the report to each person nominated for the office of Archbishop of the See of Sydney under clause 7.

## Nominations

### **7. Nominations**

(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) contain a certification from at least one of the nominators that the nominee would be willing to make a declaration of the solemn promises contained in the Second Schedule of this Ordinance; and
- (d) contain a certification from at least one of the nominators that the nominee has consented to a search being undertaken for information in the National Register in relation to the nominee;
- (e) specify the address for service of notices on the nominators and the address for service of notices on the nominee; and
- (f) be given to the specified person and at the specified place referred to in paragraph (d) of clause 5(3) not later than 42 days before the day on which the meeting of the Synod shall commence.

(2A) Upon being given a nomination, the specified person referred to in paragraph (d) of clause 5(3) is to forthwith direct the Director of Professional Standards to access any information in the National Register relating to the nominee.

(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 specified person referred to in paragraph (d) of clause 5(3) must give the nominee notice in writing that he is a nominee for that office. The notice must also inform the nominee –

- (a) whether there is any information in the National Register in relation to the nominee, and, if so, what information; and
- (b) that unless the nominee gives notice under subclause (5) that he does not wish to be a nominee for the office of the Archbishop of the See of Sydney, any such information will be disclosed to the meeting of the Synod.

(4A) A notice under subclause (4) 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) 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 specified person referred to in paragraph (d) of clause 5(3) 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.

#### **8. List of Nominations**

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 shall, after the close of nominations and not less than 10 days before the day on which the meeting of the Synod shall commence, forward, so far as is possible, to each member of the Synod –

- (a) a list, in alphabetical order, of the persons nominated showing, in relation to each such person, the names of all members of the Synod who have nominated that person, and
- (b) any information in the National Register relating to each nominee.

#### **9. Determination of Proposer and Secunder**

(1) The nominators of a nominee must –

- (a) determine, among themselves if need be, by a majority, in relation to each stage in the proceedings under this Ordinance, who shall propose and second 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.

(2) Where the nominators of a nominee are unable to make a determination referred to in subclause (1) of this clause in respect of any stage, the President shall select, from among those nominators, the proposer and seconder of the nomination in respect of that stage.

(3) Nothing in this clause prevents the Synod from granting leave to any member of the Synod to propose or second the nomination of a nominee at any stage in the proceedings under this Ordinance, notwithstanding that –

- (a) the member did not nominate the nominee under clause 7; or
- (b) the member is not a member notified under paragraph (b) of subclause (1) of this clause or selected under subclause (2) of this clause.

### Proceedings of Synod

#### **10. Right of Reply**

Where a motion is proposed under this Ordinance and any other member of the Synod (not being the seconder of the motion) speaks in respect of the motion, the proposer shall, after all speeches have been made in respect of that motion, have the right of reply.

#### **11. Order of Business – First Day**

(1) The order of business for the first day of the meeting of the Synod shall be as follows –

- (a) The List of Clergy summoned to the Synod shall be laid upon the table by the President.
- (b) The List of Representatives shall be laid upon the table by the President, and those who have not presented their Certificates of Election, and signed the Declaration shall then do so.
- (c) The President shall, subject to subclause (2), deliver his address.
- (d) The President may lay upon the table a document appointing a Commissary.
- (e) Motions for the election of –
  - (i) A Chairman of Committees.
  - (ii) A Deputy Chairman of Committees.
  - (iii) A Committee of Elections and Qualifications.
  - (iv) A Committee for the purpose of checking and, if agreed, certifying the minutes of each meeting other than a meeting of the Committee of the Whole Synod.

- (f) The Minute Book of the Standing Committee shall be laid upon the table.
- (g) Petitions.
- (h) Notices of Questions.
- (i) Notices of Motions.
- (j) Motions in connection with the formal reception and printing of Reports, Accounts and other documents.
- (k) Motions by request of the Standing Committee with respect to the proceedings under this Ordinance.
- (l) The Synod shall then proceed in accordance with clause 15.

(2) If the President is a nominee, the person who is next entitled to preside at the meeting and who –

- (a) is present at the meeting of the Synod, and
- (b) is not a nominee,

shall deliver the President's address instead of the President.

(3) The person who is required under this Ordinance to deliver the President's address may not invite or request another person to give the President's address.

## **12. Proceedings held in private**

At the conclusion of the President's address, the public shall be excluded and shall continue to be excluded until the meeting of the Synod ends.

## **13. Order of Business – Second and Subsequent Days**

The order of business for the second and subsequent days of the meeting of the Synod shall be as follows –

- (a) The Minutes of the previous day's proceedings shall be read and signed as a correct record or otherwise dealt with in accordance with any resolution passed at the meeting of the Synod.
- (b) Questions.
- (c) Petitions.
- (d) Notices of Questions.
- (e) Notices of Motions.
- (f) The continuation of the procedure determined in accordance with this Ordinance for the election of a person to the office of Archbishop of the See of Sydney.
- (g) Motions according to the order of notice or in the order determined by the Administrative Committee.

## **14. Announcement as to Voting**

(1) Immediately after each vote on a motion by show of hands is taken under this Ordinance, the President shall announce the result of the vote together with the number of members of the Synod (being, where applicable, the numbers of members of each order) who have voted for 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.

(2) After each ballot is taken under this Ordinance, the Returning Officer shall hand to the President his record of the counting in respect of the ballot and the President shall announce the analysis appearing in the record.

### Select List

## **15. Reduction of List of Nominations and Compilation of Select List**

(1) After the items of business referred to in paragraphs (a)-(k) of clause 11(1) have been dealt with, each nominee shall be proposed and seconded in the order in which his name appears on the list of nominations referred to in clause 8.

(2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak against the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(3) Where a member of the Synod speaks against a nomination, the President shall ask whether any member of the Synod wishes to speak in respect of that nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(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.

(7) The order in which the names of the nominees shall be placed upon the Select List shall be determined by the President by lot.

(8) The President shall announce to the Synod the names which have been placed upon the Select List and the order in which they have been so placed.

(9) If no nominee receives a majority of votes in either order of the members of the Synod then present and voting, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.

#### **15A. Ballot Procedure**

(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.

#### **Final List**

#### **16. Reduction of Select List and Compilation of Final List**

(1) After compilation of the Select List in accordance with clause 15, each nominee whose name appears on the Select List shall be proposed and seconded in the order in which his name appears upon that List.

(2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(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.

#### **16A. Ballot Procedure**

(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.

#### **17. Where Motion carried in respect of less than 3 Nominees**

(1) Where –

- (a) there were 3 or more nominees on the Select List; and
- (b) the motion put under subclause (3) of clause 16 is carried with respect to less than 3 nominees,

the President shall, without further debate, again put the motion under subclause (3) of clause 16 to the Synod in respect of each nominee whose name was on the Select List but was not placed upon the Final List.

(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.

(3) If a majority of both orders 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 upon the Final List.

(4) Where there were 1 or 2 nominees on the Select List, the name of a nominee shall be placed on the Final List if a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of the nominee put under subclause (3) of clause 16.

(5) If no nominee on the Select List receives a majority of votes in both orders of the members of the Synod then present and voting, for the purpose of determining the course of action the Synod shall pursue, the President shall forthwith and without debate, put the following motions in the following order –

- (a) That a further vote on the motion under clause 16(3) be taken by secret ballot in respect of each nominee on the Select List using the procedure under clause 16A.
- (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

#### **18. Where Motion carried in respect of more than 3 Nominees**

Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of more than 3 nominees; or
- (b) pursuant to clause 17, there are more than 3 nominees on the Final List,

a ballot or series of ballots shall without further debate be taken in accordance with clause 19, 20 or 21, as the case may require, so as to reduce the nominees on the Final List to 3.



## **19. More than 5 Nominees**

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect to more than 5 nominees; or
- (b) pursuant to clause 17, there are more than 5 nominees on the Final List,

each member of the Synod then present shall be given 3 ballot papers, each of which is distinguishable from the others.

(2) On the first ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 5 nominees whom he or she wishes to remain upon the Final List.

(3) The nominees in excess of 5 who receive the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(6) On the third ballot, each member of the Synod then present and voting shall write on the remaining ballot paper, in the order in which they appear on the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(7) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **20. 5 Nominees**

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of 5 nominees; or
- (b) pursuant to clause 17, there are 5 nominees on the Final List,

each member of the Synod then present shall be given two ballot papers, each of which is distinguishable from the other.

(2) On the first ballot, each member of the Synod then present and voting shall write, on the ballot paper nominated by the President, in the order in which they appear upon the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write, on the remaining ballot paper, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **21. 4 Nominees**

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of 4 nominees; or
- (b) pursuant to clause 17, there are 4 nominees on the Final List,

each member of the Synod then present shall be given a ballot paper.

(2) On the ballot, each member of the Synod then present and voting shall write, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

## **22. Procedure in event of equality of votes**

- (1) Where, pursuant to a ballot under clause 19, 20 or 21, 2 or more nominees receive an equal number of votes and one or more of them is to be excluded, the President shall, without debate, call on each member of the Synod then present to express his or her preference among those nominees who have received an equal number of votes by voting for only 1 of those nominees, being the nominee whose name he or she wishes to remain upon the Final List. This clause shall not apply where the number of nominees who receive an equal number of votes is fewer than the number of nominees to be excluded.
- (2) A vote in respect of each nominee to whom subclause (1) of this clause applies by show of hands shall be taken of the members of the Synod then present and voting as a whole.
- (3) The nominee or nominees, as the case may require, who receives or receive the lowest number of votes after a vote is taken under subclause (2) of this clause shall be excluded.
- (4) If two or more nominees again receive an equal number of votes those nominees shall be excluded.

## **23. Order of Placement of Names on Final List**

- (1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, a nominee is placed upon or remains upon the Final List, the order in which his name shall be placed upon the Final List shall be determined by the President by lot.
- (2) The President shall announce to the Synod the names which have been placed upon the Final List and the order in which they have been so placed.

### Final Selection of a Nominee

## **24. One Nominee on Final List**

- (1) Where the name of only 1 nominee has, in accordance with this Ordinance, been placed upon the Final List, the President shall put the following motion to the Synod –

“That (A.B.) be invited to be Archbishop of Sydney.”
- (2) A vote on the motion by show of hands shall be taken in each order of the members of the Synod then present, the lay members of the Synod voting first.
- (3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion, the President shall declare (A.B.) duly elected to the office of Archbishop of Sydney.
- (4) If a majority of both orders of the members of the Synod then present and voting do not vote in favour of the motion, for the purpose of determining the course of action the Synod shall pursue, the President shall, forthwith and without debate, put the following motions in the following order –
  - (a) That a further vote on the motion be taken by secret ballot using the procedure under clause 16A.
  - (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

## **25. Final List of 2 or 3 Nominees**

- (1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, the names of 2 or 3 nominees have been placed upon or remain upon the Final List, each nominee shall be proposed and seconded in the order in which his name appears upon the Final List.
- (2) After all nominees have been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of any nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) When speeches in respect of the nominations have concluded, the Synod shall adjourn to the following day or a later day determined by the Synod.

## **26. Limitation of Speeches**

- (1) The duration of speeches pursuant to this Ordinance shall be –
  - (a) in the case of a person proposing that the name of a nominee be placed upon the Select List – 15 minutes;

- (b) in the case of a person proposing that the name of a nominee be placed upon the Final List - 10 minutes;
- (c) in any other case - 5 minutes.

(2) Nothing in subclause (1) of this clause prevents the Synod from granting leave to any member of the Synod to speak for such length of time as is specified in the grant of leave.

#### **27. Printing and Distribution of Ballot Papers**

(1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause (3) of clause 25, each member of the Synod then present shall be given a ballot paper 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) in a form as prescribed in the First Schedule to this Ordinance appropriate to the number of nominees whose names appear upon the Final List;
- (b) printed with the names of the nominees upon the Final List in the order in which they were placed upon the Final List;
- (c) printed with a square opposite the name of each nominee; and
- (d) one of either of two colours, one colour being for use by the lay members of the Synod and the other colour being for use by the clerical members of the Synod.

#### **28. Voting**

On receipt of a ballot paper, a member of the Synod shall record his or her vote by placing the number “1” in the square opposite the name of the nominee for whom he or she desires to give his or her first preference and the number “2” or the numbers “2” and “3”, as the case may require, in the square opposite the name or names of the other nominees so as to indicate by numerical sequence the order of his or her preference.

#### **29. Method of Counting Votes**

(1) The Returning Officer shall count the total number of first preferences given by the members of the respective orders for each nominee.

(2) If one of the 2 or 3 nominees, as the case may be, has received an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

#### **30. Failure of Either of 2 Nominees to Obtain Absolute Majority on First Count**

(1) Where there are 2 nominees on the Final List and neither nominee receives an absolute majority as referred to in subclause (2) of clause 29, after the President has announced the analysis appearing in the Returning Officer's record of the ballot, a further ballot shall be taken.

(2) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (1) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

#### **31. Failure of Any of 3 Nominees to Obtain Absolute Majority on First Count**

(1) Where there are 3 nominees on the Final List and no nominee receives an absolute majority as referred to in subclause (2) of clause 29, the nominee who has received the fewest first preferences after the first preferences of both orders of the members of the Synod have been added together shall be excluded and each ballot paper counted to him shall be counted to the nominee next in the order of the voter's preference.

(2) Where there are 3 nominees on the Final List and 2 or more nominees have an equal number of first preferences after the first preferences of both orders of the members of the Synod have been added together and one of them is to be excluded, a further ballot shall be taken in respect only of those nominees who have received such equal number of first preferences.

(3) Clauses 27, 28 and subclause (1) of clause 29 apply to and in respect of a ballot under subclause (2) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

(4) The nominee who, on a ballot under subclause (2) of this clause, receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(5) If, after counting to a nominee the preferences of a nominee excluded under subclause (1) or subclause (4) of this clause, one of the nominees receives an absolute majority of the votes of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(6) Where no nominee receives an absolute majority as referred to in subclause (5) of this clause, a further ballot shall be taken in respect of the nominees who have not been excluded.

(7) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (6) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

### **32. Consequences of Certain Ballots**

(1) If, after making a count in respect of a ballot taken under subclause (2) of clause 30 or subclause (7) of clause 31, one of the nominees receives an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(2) If, after making a count referred to in subclause (1) of this clause, no nominee receives an absolute majority as so referred to, the Synod shall adjourn to the following day or a later day determined by the Synod.

### **33. Proceedings on Resumption After Adjournment**

(1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause (2) of clause 32, for the purpose of determining the course of action the Synod shall pursue, the President shall, without debate, put the following motions in the following order –

- (a) That a further ballot be taken in respect of the nominees not excluded from the Final List.
- (b) That the Synod reconsider the nominees on the Final List by reverting to the procedure specified in clause 27 and the following clauses of this Ordinance.
- (c) That the Synod reconsider the nominees on the Select List by reverting to the procedure specified in clause 16 and the following clauses of this Ordinance.
- (d) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

(2) Where a motion put under subclause (1) of this clause is carried, the President shall not be required to put any subsequent motion under that subclause.

(3) The provisions of this Ordinance shall apply, in so far as they are applicable, to and in respect of a motion carried under subclause (1) of this clause.

### **33A. Starting the Nomination Process again after Adjournment**

If the Synod is adjourned pursuant to clause 15(9), 17(5), 24(4)(b) or 33(1)(d) –

- (a) the Standing Committee is to declare within a period of 5 weeks from the adjournment the date on which the vacancy in the See of Sydney is deemed to have occurred for the purposes of starting the nomination process again under this Ordinance, and
- (b) the person who is entitled under the Constitutions to exercise the powers vested in the Archbishop shall, within 21 days after the date of the deemed vacancy, issue a notice reconvening the Synod as if the notice were a notice to summon the members of the Synod under clause 5(1).

Offer, Acceptance, Confirmation etc

### **34. Confirmation of Election**

The Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 applies to and in respect of the confirmation of a person elected in accordance with this Ordinance.

### **35. Commencement in Office**

Where the election of a nominee under this Ordinance –

- (a) is not required to be confirmed under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965; or

- (b) is required to be confirmed under that Ordinance and the election of the nominee is certified pursuant to that Ordinance,

the nominee elected shall become the Archbishop of the See of Sydney upon acceptance by him, his consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese having made the solemn promises contained in the Second Schedule to this Ordinance and handed a written copy of the declaration to the Registrar.

### **36. Refusal of or Delay in Confirmation**

Where the confirmation of the nominee elected under this Ordinance is required under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 and the election of the nominee is not certified pursuant to that Ordinance, the election of the nominee 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 the election becoming null and void.

### **37. Provision Against Deadlock**

Where –

- (a) the election of the nominee has become null and void pursuant to clause 36; and  
(b) the nominee is again elected under the provisions of this Ordinance,

then subject to the election of the nominee being certified pursuant to the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965, the nominee shall become Archbishop of the See of Sydney upon acceptance by him, consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese.

### **38. Failure of Nominee to Accept Election, etc**

If a nominee elected under this Ordinance does not accept the election or is not consecrated or does not take his seat in the Cathedral Church of the Diocese within a reasonable time after the election, as the case may be, then, upon a resolution in that behalf being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the 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 the election becoming null and void.

### **39. Failure to Fill Vacancy for Other Cause**

Where the vacancy in the See is not filled as a consequence of a cause not provided for in this Ordinance, then, upon a resolution declaring the failure being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the proceedings under this Ordinance shall be repeated until the vacancy is filled as if the vacancy had occurred immediately before the passing of the resolution.

### **40. Declaration of Election**

When a person has been elected Archbishop of Sydney in accordance with this Ordinance, the President shall cause a declaration of the election to be publicly made in the Cathedral Church of the Diocese during the time of Divine Service on the next Sunday, the terms of the declaration being as follows –

(Title and name of the person elected)

of

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

### **41. Proceedings after Declaration of Election**

As soon as a person is publicly declared to be elected Archbishop in accordance with clause 40, the President, or if the Synod is not then in Session, the Standing Committee, shall take such steps to give effect to the election as the Synod may direct.

Interpretation, Repeals, Saving Provision etc

### **42. Application of Other Ordinances**

(1) The Conduct of the Business of Synod Ordinance 2000, shall, except to the extent of any inconsistency with the provisions of this Ordinance, apply to a meeting of the Synod summoned in accordance with this Ordinance.

(2) To the extent of any inconsistency between the provisions of this Ordinance and the Standing Committee Ordinance 1897, as subsequently amended, with respect to a meeting of the Synod summoned in accordance with this Ordinance, the provisions of this Ordinance shall prevail.

**43. Manner of Dealing with Certain Circumstances**

Where any circumstance arises in relation to a meeting of the Synod summoned in accordance with this Ordinance for which no provision is made in this Ordinance, that circumstance shall be dealt with in such manner as may be determined by resolution of the Synod, or if the Synod is not then in session, of the Standing Committee.

**44. Interpretation**

In this Ordinance –

“Administrative Committee” means the committee constituted under subclause (1) of clause 6;

“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;

“National Register” means the national register within the meaning of the General Synod – National Register Canon 2007 Adopting Ordinance 2008;

“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.

**45. Repeals**

(1) The Archbishop of Sydney Appointment Ordinance 1962, the Elections Amendment Ordinance 1981 and clauses 5A, 5B, and 5C of the Election Ordinance 1970 are repealed.

(2) A repeal under subclause (1) of this clause shall not affect or invalidate any act, matter or thing done or suffered to be done or any election or appointment made under or by virtue of an Ordinance or provision repealed by subclause (1) of this clause.

**The First Schedule**

(To be used in the case of 3 nominees)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

Place the number “1” in the square opposite the name of the nominee for whom you desire to give your first preference and the numbers “2” and “3” in the squares opposite the names of the other nominees in the order of your preference.

(To be used in the case of 2 nominees)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

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

**The Second Schedule**

I ..... firmly and sincerely believe the Holy Scripture to be the Word of God, and assent to the doctrine of the Anglican Church of Australia, an expression of the Catholic and Apostolic Faith which is determined by the teaching of Scripture, confessed in the 39 Articles and given liturgical form in the Book of Common

Prayer and in the Ordering of Bishops, Priests and Deacons, and I solemnly promise to teach and uphold the Word of God.

I ..... solemnly promise to conduct only services in the Book of Common Prayer or –

- (a) services authorised by ordinance of the Synod for use in the Diocese, or
- (b) other services of public worship which are agreeable to the Word of God and consistent with the doctrine of the Anglican Church of Australia,

pursuant to the General Synod – Canon Concerning Services 1992 Adopting Ordinance 1998.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will neither by myself nor by others permit the use of the chasuble or other eucharistic vestment in any church or chapel or other place in the Diocese in which I officiate.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will administer and distribute the elements of bread and wine separately in the Holy Communion.

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### Table of Amendments

Title	Amended by Ordinance No 26, 2009.
Long Title	Amended by Ordinance No 26, 2009.
Clause 1	Amended by Ordinance No 26, 2009.
Clause 2	Amended by Ordinance No 25, 2010.
Clause 5	Amended by Ordinances Nos 26, 2009 and 25, 2010.
Clause 6A	Inserted by Ordinance No 26, 2009 and amended by Ordinance No 25, 2010.
Clause 7	Amended by Ordinances Nos 41, 1997; 26, 2009; 25, 2010 and 35, 2011.
Clause 8	Amended by Ordinances Nos 41, 1997 and 26, 2009.
Clause 9	Amended by Ordinance Nos 41, 1997 and 14, 2001.
Clause 10	Amended by Ordinance No 41, 1997.
Clause 11	Amended by Ordinances Nos 41, 1997 and 26, 2009.
Clause 15	Amended by Ordinances Nos 4, 1993; 41, 1997; 27, 1999 and 26, 2009.
Clause 15A	New clause inserted by Ordinance No 41, 1997.
Clause 16	Amended by Ordinance No 41, 1997.
Clause 16A	New clause inserted by Ordinance No 41, 1997.
Clause 17	Amended by Ordinances Nos 41, 1997, 26, 2009 and 21, 2013.
Clause 22	Amended by Ordinance No 41, 1997.
Clause 23	Amended by Ordinance No 41, 1997.
Clause 24	Amended by Ordinance No 26, 2009.
Clause 25	Amended by Ordinance No 41, 1997.
Clause 27	Amended by Ordinance No 35, 2011.
Clause 31	Amended by Ordinance No 4, 1993.
Clause 33	Amended by Ordinance No 26, 2009.
Clause 33A	Inserted by Ordinance No 26, 2009 and amended by Ordinance No 25, 2010.
Clause 35	Amended by Ordinances Nos 5, 2001 and 35, 2011.
Clause 36	Amended by Ordinance No 5, 2001.
Clause 37	Amended by Ordinance No 5, 2001.
Clause 42	Amended by Ordinance No 5, 2001.

Clause 44 Amended by Ordinance No 26, 2009.  
First Schedule Amended by Ordinances Nos 26, 2009 and 35, 2011.  
Second Schedule Inserted by Ordinance No 35, 2011 and amended by Ordinance No 19,  
2013.

STEVE LUCAS  
**Manager, Legal Services**  
23 July 2013

ROBERT WICKS  
**Diocesan Secretary**