

Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2016

Explanatory Report

Key Points

- By resolution 45/15, Synod requested that Standing Committee consider bringing to Synod amendments to the *Archbishop of Sydney Election Ordinance 1982* to give effect to a provision that, once the minimum number of 20 nominators for a nominee is reached, no more nominators are required, and only the first 20 nominators for a nominee received by the Returning Officer will be made known to members of Synod
- The Standing Committee does not support only disclosing the names of the first 20 nominators. However in order to give some effect to the intention of the resolution, it is proposed that the nomination process be altered so that Synod members are informed during the nomination period once the minimum number of 20 nominators for a nominee is reached

Purpose of the bill

1. The purpose of the bill for the *Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2016* (the “bill”) is to amend the *Archbishop of Sydney Election Ordinance 1982* with respect to notifying members of Synod once a valid nomination for a duly qualified person has been received.

Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

Background

3. At its session in October 2015, the Synod of the Diocese of Sydney resolved as follows –

“That Standing Committee consider bringing to Synod amendments to the *Archbishop of Sydney Election Ordinance 1982* to give effect to a provision that, once the minimum number of 20 nominations for a nominee is reached, no more nominators are required, and only the first 20 nominations for a nominee received by the Returning Officer will be made known to members of Synod.”

4. The Standing Committee, at its meeting on 15 February 2016, constituted a committee comprising Mr Doug Marr, Dr Stuart Piggin, Dr Laurie Scandrett, the Rev Craig Schafer and Dr Robert Tong, in consultation with the Diocesan Secretary, to undertake the work requested in resolution 45/15 and report to a future meeting of the Standing Committee regarding the request of the resolution along with any further recommendations for changes to the *Archbishop of Sydney Election Ordinance 1982*.

Discussion

5. The Committee met on 13 April 2016 to consider the issue, and reviewed –

- (a) the *Archbishop of Sydney Election Ordinance 1982* (the “Ordinance”),
- (b) the circulars sent to Synod members by the Diocesan Secretary concerning the last election (on 11 March 2013, 24 July 2013 and 31 July 2013),
- (c) notes prepared by Dr Stuart Piggin (the mover of the resolution at Synod), and
- (d) records of nominators for previous Archbishop elections dating back to 1966.

6. The Committee noted that the rationale for the resolution of Synod included the desire to reduce or remove inappropriate pressure being brought to bear upon individuals to nominate a particular candidate. As well as the obvious impropriety of such actions, a consequence of increasing the number of nominators through inappropriate pressure, is that the new Archbishop is then required to work with a greater number of individuals who are on the public record in support of someone else. Such a situation can be awkward and unhelpful for both the Archbishop and the individual concerned. The Committee agreed that there had been occasions in previous elections where inappropriate pressure had been brought to bear, and as far as is reasonably possible, agreed that it is desirable to provide a remedy to this problem.

7. The Committee considered the possibility of allowing only 20 nominators per nominee (as suggested during consideration of this matter at Synod). The Committee determined that such a measure should not be pursued for several reasons, including that –

- (a) nominating is an accepted form of showing support for a candidate and such a measure would remove the ability for individuals beyond the first 20 nominators to do so,
- (b) supporters of a nominee would likely arrange for the publication of the names of supporters of their nominee beyond the official 20 nominators, and in this way the pressure to nominate would likely switch to a pressure to 'support',
- (c) clause 9 of the Ordinance provides that the nominators are to determine among themselves who proposes and who seconds the nomination in relation to each stage in the proceedings of the election, which would potentially remove the ability for a prominent supporter to propose or second a nominee if they had not been in the first 20 to nominate.

8. The Committee considered the possibility of limiting the number of published nominators to the first 20 received (while allowing more nominations to be collected) as suggested by resolution 45/15. The Committee agreed that –

- (a) this would likely prove ineffective in reducing inappropriate behaviour, as supporters of a particular nominee may simply publish (unofficially) the names of other nominators, thereby perpetuating the problem, and
- (b) this may prove unhelpful to the wider election process as those Synod members who do not know a nominee usually judge each nominee's character and appropriateness, as well as the breadth and depth of their support, by their knowledge of their nominators.

9. The Committee agreed that in order to go some way towards reducing inappropriate pressure being applied to Synod members to nominate a particular candidate, an option would be to alter the nominating process so that when the requisite number of 20 nominators for a valid nomination is reached, a statement is published on the Diocesan website indicating the name of the nominee and confirming that the requisite number of 20 nominators for the nomination of the nominee has been received (but not at this point publishing the names). Further nominators would be collected in support of the nomination and, after the close of nominations, the names of all nominators for each nominee would be published (as is the current practice).

10. By adopting this approach, any pressure brought to bear in seeking additional nominators for a nominee beyond the 20 required for nomination would demonstrably be for political (not procedural) purposes. It is hoped that this will reduce the occurrences of undue pressure being applied, and should also provide greater assurance to anyone experiencing pressure to nominate, that their becoming a nominator is only being sought for its political value.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

21 June 2016