

Assistant Bishops (Bishops Coadjutor) Ordinance 1947 Amendment Ordinance 2000

Explanatory Statement

Introduction

1. The Assistant Bishops (Bishops Coadjutor) Ordinance 1947 (the "1947 Ordinance"), printed on pages 123 to 125 inclusive of *Acts & Ordinances* provides for the appointment of assistant bishops for the Diocese of Sydney. In brief, the procedure under that ordinance is as follows -

- (a) The Archbishop nominates to the Standing Committee one or more person or persons who the Archbishop thinks is eligible for appointment as an assistant bishop (clause 4).
- (b) The name or names of the persons so nominated are submitted to the Standing Committee. The name of the person who is chosen by the vote of the Standing Committee at a meeting at which at least $\frac{2}{3}$ of its clerical and $\frac{2}{3}$ of its lay members are present and vote is returned to the Archbishop for the exercise of his discretion (clause 5).

2. The procedure for the appointment of an assistant bishop under the 1947 Ordinance has been found to create difficulties in 2 respects.

3. First, there is uncertainty about how the application of the requirement in clause 5 that at least $\frac{2}{3}$ of each of the clerical and the lay members of the Standing Committee be present and vote. Following the reconstitution of the Standing Committee in 1995, as part of the implementation of regionalisation, the archdeacons are non-voting members of the Standing Committee except when their bishop is absent. Are non-voting members to be taken into account for the purposes of clause 5?

4. Secondly, a member of the Standing Committee, while being present and entitled to vote, may exercise their right not to vote in respect of a name proposed by the Archbishop. However, a consequence of 2 or 3 members not voting may be an effective "veto" of any name proposed by the Archbishop.

5. At a special session of the 45th Synod held in May 2000 it was foreshadowed that the Standing Committee would prepare amendments to the 1947 Ordinance to address these difficulties.

Amendments to the 1947 Ordinance

6. The bill for the Assistant Bishops (Bishops Coadjutor) Ordinance 1947 Amendment Ordinance 2000 proposes the insertion of new clauses 4 and 5 to replace the existing clauses.

7. Proposed clause 4 will allow the Archbishop to appoint a person as an Assistant Bishop if the appointment is approved by the Standing Committee under clause 5.

8. The substance of the procedure for obtaining the Standing Committee's approval in proposed clause 5 is similar to that in existing clause 5 (as that clause has been interpreted). Under proposed clause 5 the Standing Committee will approve the appointment of a person as an Assistant Bishop if -

- (a) a motion approving the appointment is passed at a meeting of the Standing Committee; and
- (b) at the time at which the voting on the motion takes place -
 - (i) at least $\frac{2}{3}$ of the clerical members of the Standing Committee are present at the meeting; and
 - (ii) at least $\frac{2}{3}$ of the lay members are present.

9. There are some differences between proposed clause 5 and existing clause 5 -

- (a) Under proposed clause 5, voting on the motion is to take place by secret ballot.
- (b) Proposed clause 5 makes it clear that $\frac{2}{3}$ of the clerical members of the Standing Committee and $\frac{2}{3}$ of the lay members of Standing Committee need be *present* only. There is no requirement that they be both present *and* vote.
- (c) For the purposes of proposed clause 5, the clerical members of the Standing Committee will not include the Archbishop and other ordained members who are not entitled to vote.

10. The opportunity is also being taken to update the name of the 1947 Ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

5 October 2000