

Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013

No 42, 2013

Long Title

An Ordinance to improve the efficiency and transparency of the Synod election process and for related purposes.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013.

2. Amendment of the Synod Elections Ordinance 2000

(1) The Synod Elections Ordinance 2000 is amended by omitting paragraphs (a) and (b) in clause 2(2) and inserting instead –

- “(a) the Archbishop, which is provided for in the Archbishop of Sydney Election Ordinance 1982, or
- (b) the Administrator, which is provided for in the Administrator Ordinance 2002.”.

(2) The Schedule to the Synod Elections Ordinance 2000 is amended as follows –

- (a) omit the diagram in rule 1.1 and insert instead the diagram set out in the Schedule to this Ordinance, and
- (b) in rule 1.2 –
 - (i) insert the matter “(1)” before the words “In this Schedule”, and
 - (ii) insert the following after the definition of nomination closing day –
“precis closing day” has the meaning in rule 3.3(1)’, and
- (c) insert a new rule 1.2(2) as follows –
“(2) In this Schedule, the year in which a person was first elected to an office is the last year in which the person commenced holding the office for a continuous period. For this purpose, a period is continuous unless it is broken by a period of at least 12 months.”, and
- (d) in rule 2.1 –
 - (i) omit “8” and insert instead “16”, and
 - (ii) omit clause 2.1(a)(i), and
- (e) insert the following after Part 2 –

“Part 2A – Election Returns

2A.1 Election return

No later than 16 weeks before the first appointed day of an ordinary session of the Synod, the Secretaries are to cause to be sent to the chairman, secretary or other responsible officer of every board, council or committee which the Secretaries consider has an office for which an election is required to be conducted during that session a return requesting such information as is reasonably necessary to prepare the notice referred to in rule 3.1(1).”, and

(f) omit rule 3.1 and insert instead the following –

“3.1 Notice of elections

(1) No later than 8 weeks before the first appointed day of an ordinary session of the Synod, the Secretaries are to cause to be sent to every member a notice which:

- (a) specifies each election for an office required to be conducted during the session, and

- (b) specifies the names of any person retiring from the office, and
 - (c) if a person retiring from the office is eligible for re-election, specifies –
 - (i) the year in which the person was first elected to the office, and
 - (ii) the person's attendance record at meetings of the board, council or committee of which the office forms part during the 12 month period to 30 June in the current year, and
 - (iii) whether there is good reason to believe that the person is or is not willing to be nominated, and
 - (d) includes any statement provided by the chairman, secretary or other responsible officer of a board, council or committee of which the office forms part as to –
 - (i) the qualifications, skills and experience sought in any person elected, and
 - (ii) whether the gender balance on the board, council or committee is adequate, and which conforms to the requirements of rule 3.1(3), and
 - (e) invites nominations of persons for each election by the nomination closing day, and
 - (f) specifies the website address (the “nominated website address”) at which the notices referred to in rules 3.2A and 4.1(1) will be posted.
- (2) For the purposes of rule 3.1(1)(c)(ii), the Secretaries are taken to have good reason to believe that a person retiring from an office is or is not willing to be nominated for re-election if –
- (a) the person has informed the Secretaries that he or she is or is not willing to be nominated, or
 - (b) the chairman, secretary or other responsible officer of any relevant board, council or committee of which the office forms part has certified in writing to the Secretaries that the person retiring is or is not willing to be nominated.
- (3) A statement referred to in rule 3.1(1)(d) –
- (a) must be not more than 35 words in length, and
 - (b) must not endorse a specific person or specific persons by name as suitable for election to an office.
- (4) The Archbishop-in-Council may prescribe from time to time the form of the notice referred to in rule 3.1(1).”, and
- (g) in rule 3.2(2)(c) omit the matter “, address and occupation” and insert instead “and address”, and
 - (h) in rule 3.2(3) omit “or occupation”, and
 - (i) omit rule 3.2(6) and renumber existing rule 3.2(7) as rule 3.2(6), and
 - (j) insert the following after rule 3.2 –

“3.2A Provisional notices of contested election

If, by 5.00 pm on the nomination closing day, the number of persons nominated for an election exceeds the number of persons to be elected, the Secretaries, no later than 5 weeks before the first appointed day of the session, are to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for the election exceeds the number of persons to be elected, and
 - (b) inviting the submission of a precis setting out the relevant qualifications, skills, experience and Christian ministry involvement of each nominee for the election.”, and
- (k) in rule 3.3 omit the matter “may be delivered to the Secretaries no later than 5.00 pm on the nomination closing day” and insert instead the following –
 - ‘referred to in rule 3.2A may be delivered to the Secretaries no later than 5.00 pm on that day (the “precis closing day”) which is 3 weeks before the first appointed day of the session’, and
- (l) omit each reference to “nomination closing day” in rules 3.4 and 3.5 and insert instead “precis closing day”, and
- (m) in rule 3.5(1) omit the matter “5.3(7),” and
- (n) insert a new rule 3.6 as follows –
 - “3.6 List or lists of nominations**
 - After the precis closing day, the Secretaries are to send to the Returning Officer a list or lists of:
 - (a) the names and addresses of the members, and
 - (b) each election for an office required to be conducted, and
 - (c) the name and address of each nominee for an election and,
 - (d) where a particular qualification is required for election – the details of the qualification held by each nominee.”, and
- (o) in rules 4.1(1) and 5.1 insert after the word “If” the matter “, by 5.00 pm on the precis closing day”, and
- (p) in rule 4.1(1) omit the matter “.” at the end and insert instead the following –
 - “,
 - and is to post a copy of this notice at the nominated website address.”, and
- (q) in the heading for rule 5.2 omit the words “and precis of nominees”, and
- (r) insert a new paragraph (c) in rule 5.2(1) (with consequential relettering of existing rule 5.2(1)(c) as rule 5.2(1)(d)) –
 - “(c) if a person nominated to one of those offices is seeking re-election, the year in which the person was first elected to the office, and”, and
- (s) omit rules 5.2(2) and (3) and insert instead the following –
 - “(2) The notice referred to in rule 5.2(1) is to be sent not less than 2 weeks before the first appointed day of the session and is to be accompanied by a document or documents containing –
 - (a) any precis of nominees in the election or elections to which the notice relates, and
 - (b) any statement provided under rule 3.1(1)(d) in respect to an office for which a ballot is to be conducted.”, and
- (t) omit rule 5.3, and
- (u) omit the matter “5.3 or” in rule 5.6(1), and
- (v) insert a new rule 5.6(2) as follows (with consequential renumbering of existing rules 5.6(2) and (3) as 5.6(3) and (4)) –
 - “(2) For the purposes of rule 5.6(1), the Returning Officer may treat a mark which is not a cross in the square opposite the name of a person as a cross if the Returning Officer considers the intention of the member to vote for the person is clear.”, and

- (w) in renumbered rule 5.6(3) –
 - (i) omit the words “which contains” and insert instead the words “is not to contain”, and
 - (ii) omit the words “is informal”, and
- (x) in renumbered rule 5.6(4) –
 - (i) omit the matter “rules 5.6(1) and 5.6(2)” and insert instead “rules 5.6(1), 5.6(2) and 5.6(3)”, and
 - (ii) omit the second occurrence of the matter “rule 5.6(1)” and insert instead “these rules”, and
- (y) in rules 6.1(1)(a), 6.1(5)(b), 6.6(3) and 6.6(4) omit the matter “5.3(7) or”, and
- (z) omit rules 7.2(2) and (3) and insert instead the following (with consequential renumbering of existing rule 7.2(4) as 7.2(5)) –
 - “(2) If a casual vacancy arises in an office which may be filled by the Standing Committee under rule 7.2(1) –
 - (a) the Chairman of the board, council or committee of which the office forms part is to be invited to provide the Standing Committee with a statement as to –
 - (i) the qualifications, skills and experience sought in any person elected, and
 - (ii) whether the gender balance on the board, council or committee is adequate,
 and which conforms to the requirements of rule 3.1.(3)(b), and
 - (b) any member of the Standing Committee who nominates a person for election to fill the vacancy must inform the Standing Committee of the relevant qualifications, skills, experience and Christian ministry involvement of the person.
 - (3) If a casual vacancy arises in an office on a school council which may be filled by the Standing Committee under rule 7.2(1), any member of the Standing Committee who nominates a person for election to fill the vacancy is to certify to the Standing Committee that the person is willing to sign the statement of personal faith if elected to such council and will do so before attending any meeting of the council.
 - (4) Subject to the terms of any ordinance applying specifically to the office –
 - (a) a person who is elected to fill a casual vacancy under rule 7.2(1) holds office until the day on which the person whose vacancy he or she fills would have retired had the vacancy not occurred, and
 - (b) that person is eligible for re-election.”, and

(aa) omit rule 7.3.

3. Amendment of the Standing Committee Ordinance 1897

The Standing Committee Ordinance 1897 is amended as follows –

- (a) in clause 1(1) insert in alphabetical order the following new definitions –
 - “Regional Elected Member” means a member of the Standing Committee referred to in paragraph (d) or (e) of subclause 1A(1).
 - “Synod Elected Member” means a member of the Standing Committee referred to in paragraph (b) or (c) of subclause 1A(1).’, and
- (b) insert a new clause 1(3) as follows –
 - “(3) In this Ordinance the previous form of the Synod Elections Ordinance 2000 is the form of that Ordinance immediately before the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013 came into force.”, and

- (c) omit clauses 1A(3) and (4) and clause 1B and insert instead the following –
- “(3) The election of the Elected Members is to be held during the first session of each Synod and, subject to this Ordinance, such persons hold office until the first day of the first session of the next Synod.
- (4) The following rules apply to the election of the Elected Members –
- (a) A person who has the necessary qualifications may be nominated for election as either –
- (i) a Synod Elected Member, or
- (ii) a Regional Elected Member.
- (b) If a person is nominated for election as a Synod Elected Member and a Regional Elected Member, the nomination for election as a Regional Elected Member is invalid.
- (c) Each election shall otherwise be conducted in accordance with the Synod Elections Ordinance 2000.
- 1B. (1) If a new Region is created, the Regional Electors of the Region are to elect the Regional Elected Members for that Region –
- (a) during the next ordinary session of the Synod, or
- (b) by postal ballot conducted under the previous form of the Synod Elections Ordinance 2000 provided that –
- (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the Synod Elections Ordinance 2000 is to be sent as soon as practicable after the creation of that Region, and
- (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.
- (2) Subject to this Ordinance the persons elected under subclause (1) hold office until the first day of the first session of the next Synod.
- (3) If a Region is abolished, the Regional Elected Members cease to be members of the Standing Committee on and from the date of abolition of the Region.”, and
- (d) omit the matter “an Elected Member referred to in clauses 1A(1)(d) and (e)” in clauses 2(1)(h) and 3(3) and insert instead the words “a Regional Elected Member”, and
- (e) in clause 3(1) omit the matter “Elected Members referred to in clauses 1A(1)(b) and (c) may be filled by the Synod” and insert instead the following –
- “Synod Elected Members may be filled by the Synod by an election conducted during the next ordinary session of the Synod”, and
- (f) in clause 3(3) –
- (i) omit the words “under the” and insert instead the following –
- “ –
- (a) during the next ordinary session of the Synod, or
- (b) by a postal ballot conducted under the previous form of the”, and
- (ii) re-letter paragraphs (a) and (b) as (i) and (ii), and
- (iii) insert the words “previous form of the” before the words “Synod Elections Ordinance” in the re-lettered paragraph (i).

4. Amendment of the Regions Ordinance 1995

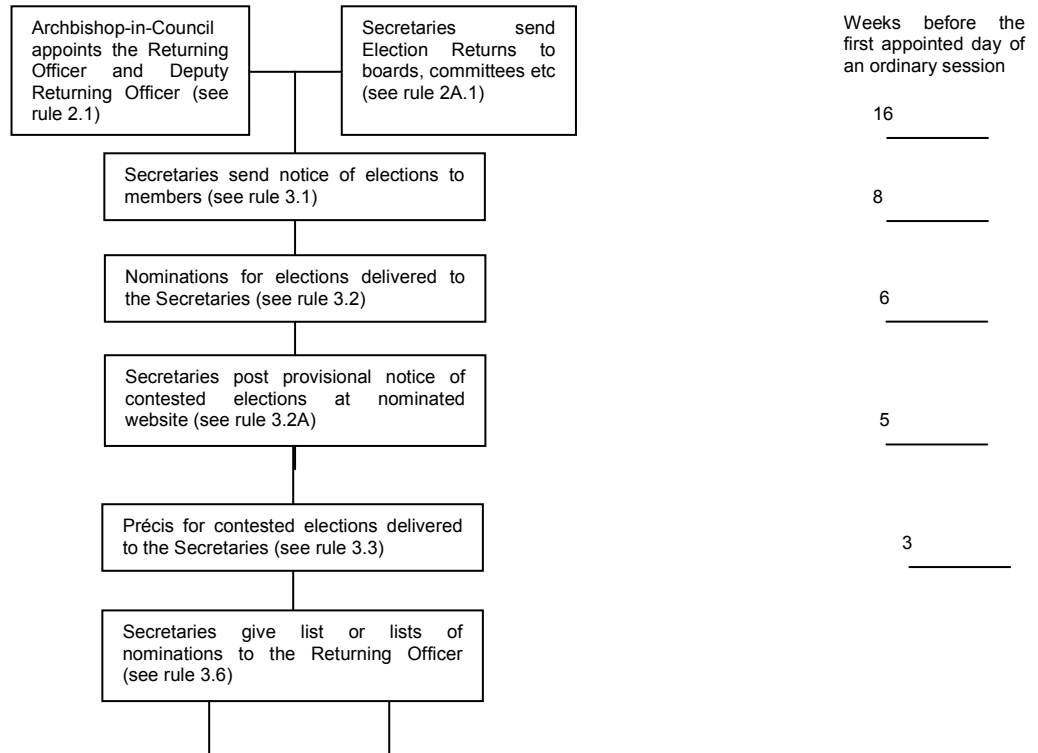
The Regions Ordinance 1995 is amended by omitting clause 4(4) and inserting the following instead –

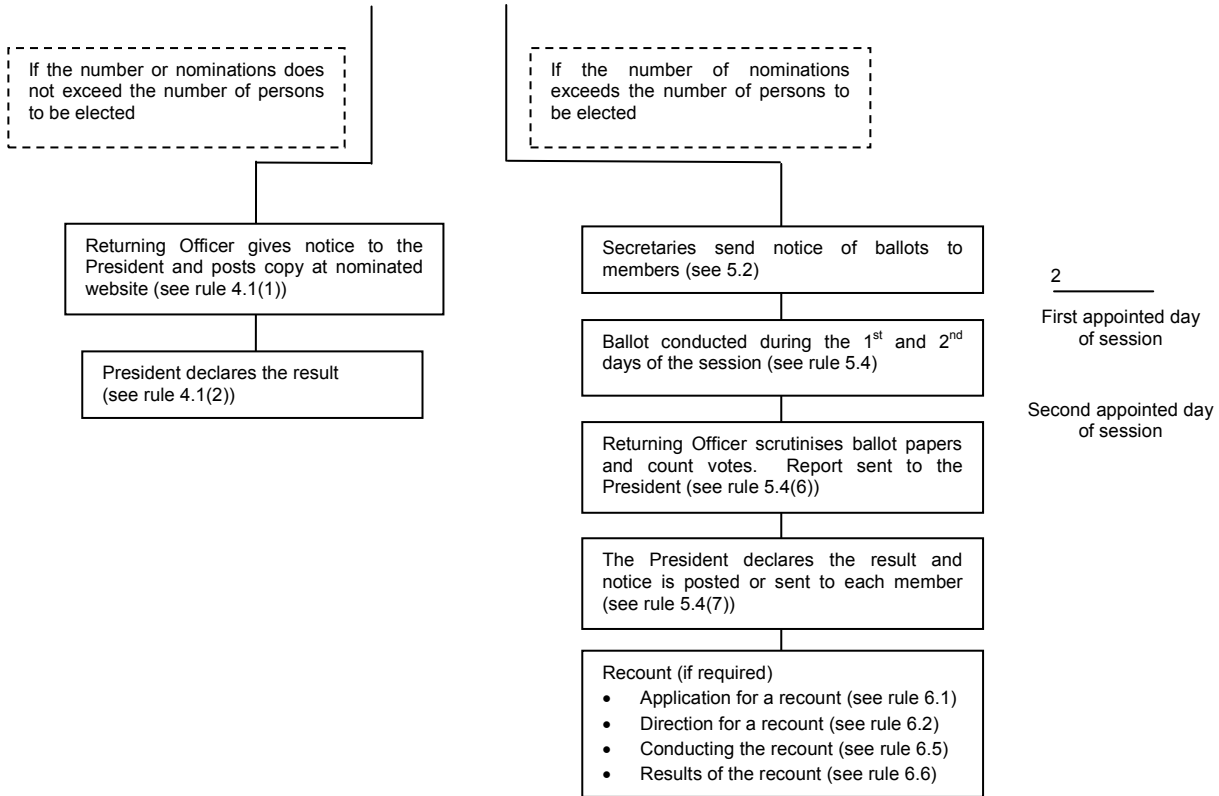
“(4) If a new Region is created after the date this Ordinance commences, the election of the persons referred to paragraphs (1)(c), (d) and (e) is to be conducted –

- (a) during the next ordinary session of the Synod, or
- (b) by postal ballot conducted under the previous form of the Synod Elections Ordinance 2000 provided that –
 - (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the Synod Elections Ordinance 2000 is to be sent as soon as practicable after the date of the creation of that Region, and
 - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.

Subject to this Ordinance the persons so elected hold office until the first day of the first ordinary session of the next Synod. For the purposes of this subclause, the previous form of the Synod Elections Ordinance 2000 is the form of that ordinance immediately before the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013 came into force.”

Schedule





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

R TONG
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney 15 October 2013.

CJ MORONEY
R WICKS
Secretaries of Synod

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
17/10/2013