

Synod Elections Ordinance 2000

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Elections Ordinance 2000 as amended by the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Synod Elections Amendment Ordinance 2003, the Synod Elections Amendment Ordinance 2008, the Synod (Electronic Communications) Amendment Ordinance 2013, the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013, the Regions (Mission Areas) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015 and the Synod Elections Ordinance 2000 Amendment Ordinance 2021.

Table of Provisions

Clause

1. Name
2. Adoption of rules for the conduct of elections
3. Repeal of previous rules
4. Commencement

Schedule

Part 1 – Introduction

- 1.1 Introduction
- 1.2 Definitions

Part 2 – Returning Officer and Deputy Returning Officer

- 2.1 Appointment of the Returning Officer and Deputy Returning Officer
- 2.2 Functions of the Returning Officer
- 2.3 Functions of the Deputy Returning Officer

Part 2A – Election Returns

- 2A.1 Election return

Part 3 – Notice of Elections and Nominations

- 3.1 Notice of elections
- 3.2 Nominations
- 3.2A Provisional notices of contested election
- 3.3 Precis of nominees for elections
- 3.4 Withdrawal of nominations
- 3.5 Death etc of a nominee after the close of precis
- 3.6 List or lists of nominations

Part 4 – Uncontested Elections

- 4.1 Uncontested elections
- 4.2 Different terms of office

Part 5 – Contested Elections

- 5.1 Contested elections
- 5.2 Notice of contested elections and precis of nominees
- 5.3 Omitted
- 5.4 Conducting a ballot at or during a session of the Synod
- 5.5 Form of Ballot Paper
- 5.6 Method of completing ballot papers
- 5.7 Spoilage etc of ballot papers
- 5.8 Different terms of office
- 5.9 Equality of votes

Part 6 – Recounts

- 6.1 Application for a recount
- 6.2 Direction for a recount

| | | |
|-----------------------------------|-------|---|
| 6.3 | ..... | Notice of a recount |
| 6.4 | ..... | Appointment of scrutineers for the recount |
| 6.5 | ..... | Conducting the recount |
| 6.6 | ..... | Results of the recount |
| Part 7 – Filling Casual Vacancies | | |
| 7.1 | ..... | Casual vacancies |
| 7.2 | ..... | Filling of casual vacancies |
| 7.3 | ..... | Omitted |
| Part 8 – General | | |
| 8.1 | ..... | Omitted |
| 8.2 | ..... | Impossibility or impracticability etc of conducting an election or convening an ordinary session of the Synod |
| 8.3 | ..... | Irregularities in an election |
| 8.4 | ..... | Regulations |
| Second Schedule | | |
| Part 4 – Uncontested Elections | | |
| 4.1 | ..... | Uncontested elections |
| 4.2 | ..... | Different terms of office |
| Part 5 – Contested Elections | | |
| 5.1 | | Contested elections |
| 5.2 | | Different terms of office |
| 5.3 | | Equality of votes |

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An Ordinance for the conduct of elections by members of the Synod of the Diocese of Sydney and for other matters.

The Synod of the Diocese of Sydney ordains.

1. Name

This Ordinance is the Synod Elections Ordinance 2000.

2. Adoption of rules for the conduct of elections

- (1) The rules for the conduct of Synod elections are the rules contained in the Schedule.
- (2) The rules do not apply to the election of:
 - (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,
 or the Synod offices or positions of
 - (c) the Secretary of Synod, or
 - (d) the Chairman of Committees, or
 - (e) the Deputy Chairman or Chairmen of Committees, or
 - (f) members of the Committee for Elections and Qualifications, or
 - (g) members of the Committee for the Order of Business, or
 - (h) the members of the Minute Reading Committee,

which are provided for in the Schedule to the Conduct of the Business of Synod Ordinance 2000.

3. Repeal of previous rules

- (1) The following are repealed:
 - (a) the Casual Vacancies Ordinance 1935,
 - (b) the Elections Ordinance 1970,
 - (c) clause 5 of the Miscellaneous Amendments Ordinance 1997.
- (2) Each reference in an ordinance (other than this Ordinance) to the Elections Ordinance 1970 is changed to a reference to the Synod Elections Ordinance 2000.

(3) Each reference in an ordinance (other than this Ordinance) to the Casual Vacancies Ordinance 1935 is changed to a reference to Part 7 of the Schedule to the Synod Elections Ordinance 2000.

(4) Nothing in this clause affects any matter or thing done before the commencement of this Ordinance.

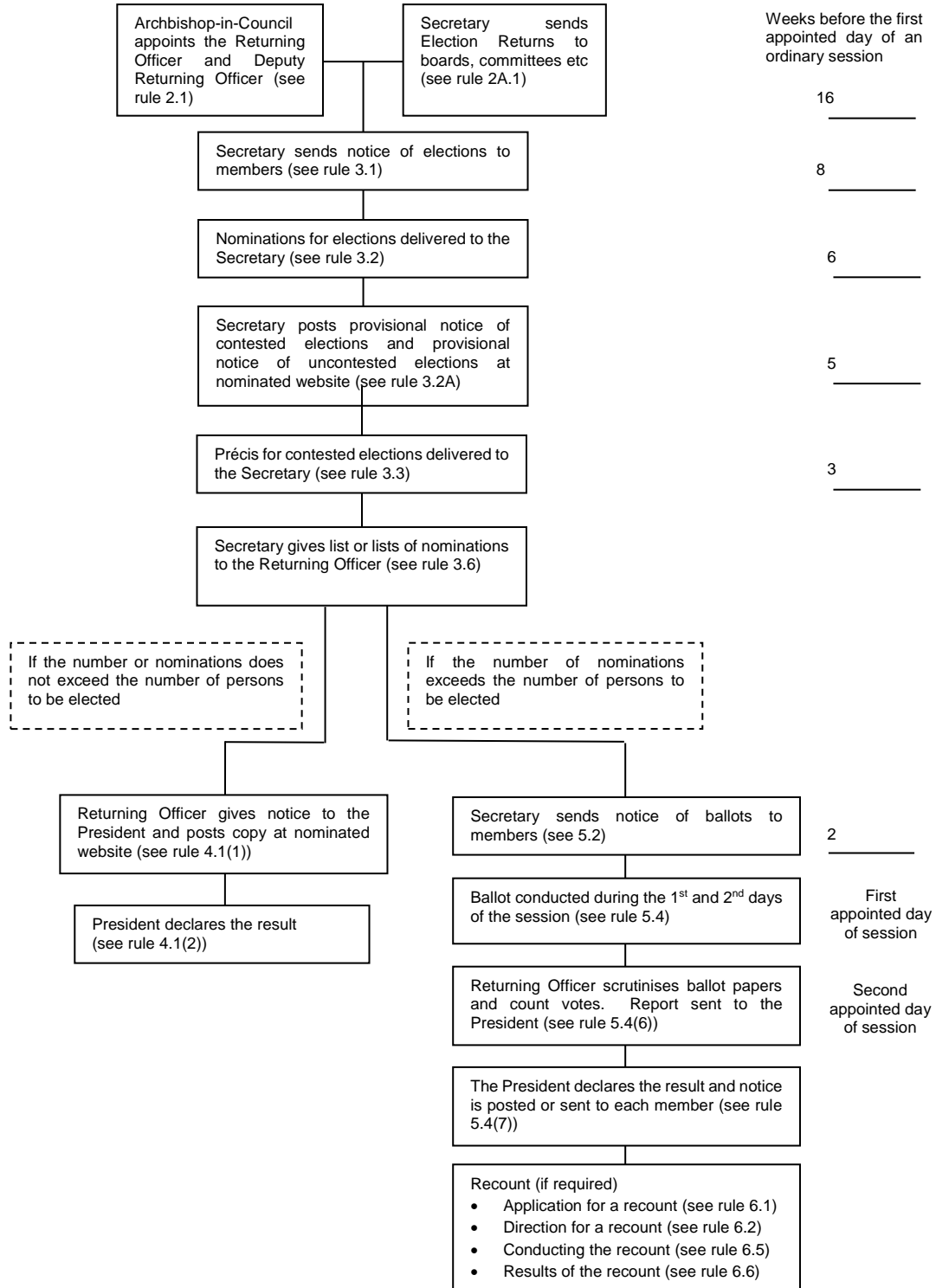
4. Commencement

This Ordinance commences on the day next following the last day of the second session of the 45th Synod or on the day on which assent is given to this Ordinance, whichever is later.

Schedule
Synod of the Diocese of Sydney
Rules for the Conduct of Synod Elections
Part 1 – Introduction

1.1 Introduction

These rules set out the procedure for conducting elections by Synod members. The procedure is summarised in the following diagram.



The rules in this Schedule contain the detail of this procedure, and deal with other matters.

1.2 Definitions

(1) In this Schedule:

“Archbishop-in-Council” means the Archbishop acting with the concurrence of the Standing Committee,

“ballot closing date” has the meaning in rule 5.3(2),

“member” means a member of the Synod,

“nomination closing day” has the meaning in rule 3.2(1),

“precis closing day” has the meaning in rule 3.3(1),

“President” means the President of the Synod, and

“office” includes a position,

“Returning Officer” means:

(a) the Returning Officer appointed under rule 2.1, except as provided by paragraph (b), or

(b) if, for the purposes of a recount, a person has been appointed as the Returning Officer under rule 6.2(1)(b), the person so appointed, and

“Secretary” means the Secretary of the Synod.

“statement of personal faith” means the Statement of Personal Faith set out in Appendix 3 of the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time.

(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.

(3) In this Schedule, unless the context otherwise indicates, sending or delivering something includes doing so by electronic means.

Part 2 – Returning Officer and Deputy Returning Officer

2.1 Appointment of the Returning Officer and Deputy Returning Officer

No later than 16 weeks before the first appointed day of an ordinary session of the Synod, the Archbishop-in-Council is:

(a) to appoint a Returning Officer and a Deputy Returning Officer for the elections to be conducted during that session, and

(b) to notify the Secretary of the names of the persons so appointed.

2.2 Functions of the Returning Officer

The Returning Officer is to exercise the functions of the Returning Officer in this Schedule. The Returning Officer may use such assistance as he or she considers necessary.

2.3 Functions of the Deputy Returning Officer

If the Returning Officer is unable to exercise the functions of the Returning Officer in this Schedule, those functions are to be exercised by the Deputy Returning Officer appointed under rule 2.1.

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 Secretary is to cause to be sent to the chairman, secretary or other responsible officer of every board, council or committee which the Secretary considers 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).

Part 3 – Notice of Elections and Nominations

3.1 Notice of elections

(1) No later than 8 weeks before the first appointed day of an ordinary session of the Synod, the Secretary is 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) specifies that a person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated for election to an office, and
 - (f) invites nominations of persons for each election by the nomination closing day, and
 - (g) 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)(iii), the Secretary is 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 Secretary 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 Secretary 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).

3.2 Nominations

- (1) A nomination for an election referred to in the notice of the Secretary under rule 3.1 is to be delivered to the Secretary no later than 5.00 pm on that day (the “nomination closing day”) which is 6 weeks before the first appointed day of the session.
- (2) A nomination is:
- (a) to be in writing, and
 - (b) to specify the office for which the nomination is being made, and
 - (c) to specify the name of, and a postal and email address for, the nominee, and
 - (d) to specify the details of the qualification held by the nominee, where a particular qualification is required for election to the office, and
 - (e) to be signed by 2 members, other than the nominee, as nominators, and
 - (f) in relation to a nomination for an office on a board or council which is a body corporate, to contain a certification from at least one of the nominators that the nominee is willing to sign the statement of personal faith if elected to such board or council and will do so before attending any meeting of the board or council held after his or her election, and
 - (g) to contain a certification from at least one of the nominators that the nominee has consented to the nomination, and

- (h) if the nominee is a lay person, to contain a certification from at least one of the nominators that the nominee has consented to his or her name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes, and
 - (i) to contain an email address for acknowledgement of the nomination.
- (3) A nomination which does not comply with rule 3.2(2) is invalid except that –
- (a) an error in the specified postal or email address for the nominee does not of itself invalidate a nomination, and
 - (b) the failure to provide a postal or email address for the nominee does not of itself invalidate a nomination if the Registrar already holds a postal or email address, as applicable, for the nominee.
- (3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member for election to an office.
- (4) If a retiring person is eligible for re-election and the notice of the Secretary under rule 3.1 specifies there is good reason to believe that the retiring person is willing to be nominated, it is sufficient grounds for one of the nominators to certify that the nominee has consented to the nomination.
- (5) The Secretary is to acknowledge each valid nomination by sending written notice to the email address referred to in rule 3.2(2)(i).
- (6) The Secretary is to retain each nomination received by them until:
- (a) if an application for a recount is not made under rule 6.1(5), the time for the making of an application for a recount has passed, or
 - (b) if an application for a recount is made under rule 6.1(5), the results of the recount are declared under rule 6.6(2).
- (7) For the purposes of rules 3.2(2)(h) and 7.2(1A), the proper administration of the Diocese and the proper administration of the Synod have the meanings given in clause 5A(3) of the *Synod Membership Ordinance 1995*.

3.2A Provisional notices of contested and uncontested elections

- (1) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office exceeds the number of persons to be elected, the Secretary, no later than 5 weeks before the first appointed day of the session, is to post a notice at the nominated website address –
- (a) advising that the number of persons nominated for election to the office exceeds the number of persons to be elected, and
 - (b) specifying –
 - (i) the name of each person nominated to the office and the suburb or locality of their residence,
 - (ii) if a person nominated to the office is seeking re-election, the year in which the person was first elected to the office, and
 - (iii) the names of the 2 members who signed the nomination under rule 3.2(2), and
 - (c) inviting the submission of a precis setting out the relevant qualifications, skills, experience and Christian ministry involvement of each nominee for the election.
- (2) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected, the Secretary is to post a notice at the nominated website address –
- (a) advising that the number of persons nominated for election to the office does not exceed the number of persons to be elected, and
 - (b) specifying the names of the persons nominated.

3.3 Precis of nominees for elections

(1) A precis of a nominee for an election referred to in rule 3.2A may be delivered to the Secretary 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. A precis of a nominee is:

- (a) to be not more than 35 words in length, and
- (b) to be signed by the nominee.

(2) The Secretary is to arrange for each precis received under rule 3.3(1), or a statement to the effect that no precis has been received, to be printed in alphabetical order according to the surnames of the nominees.

3.4 Withdrawal of nominations

(1) A nominee may withdraw from the election if written notice signed by the nominee is received by the Secretary no later than 5.00 pm on the precis closing day.

(2) If:

- (a) a nominee has died or ceases to be qualified or otherwise becomes ineligible to be elected to the office, and
- (b) the Secretary receives notice of the matter referred to in rule 3.4(2)(a) no later than 5.00 pm on the precis closing day,

the nomination is to be regarded as having been withdrawn.

(3) A nomination cannot be withdrawn after 5.00 pm on the precis closing day.

3.5 Death etc of a nominee after the close of precis

(1) If, after 5.00 pm on the precis closing day and prior to the declaration of the result of an election under rule 4.1(2), 5.4(7) or 6.6(2), a nominee dies or ceases to be qualified or otherwise eligible to be elected to the office, the election is to be conducted in accordance with this Schedule and, if the nominee is declared elected, the nominee is to be regarded as having ceased to hold the office immediately after the making of the declaration.

(2) A vacancy in an office which arises under rule 3.5(1) is taken to be a casual vacancy.

3.6 List or lists of nominations

After the precis closing day, the Secretary is 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.

Part 4 – Uncontested Elections

4.1 Uncontested elections

(1) If, by 5.00 pm on the precis closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected the Returning Officer is to forthwith give notice to the President of:

- (a) the offices for which the nominations were made, and
- (b) the names of the persons nominated,

and is to post a copy of this notice at the nominated website address.

(2) At the time provided for on the first appointed day of the session, the President is to declare elected to their respective offices the persons named in the notice in rule 4.1(1).

4.2 Different terms of office

If, in an election:

- (a) the number of nominees does not exceed the number of persons to be elected, and
- (b) the persons to be elected are not required to serve the same terms of office,

the retiring members (if any) who have been nominated are to be declared elected for the longer terms of office in order of the length of service of each since last being elected to office. Any

distinction required to be made between other persons is to be decided by lot in such manner as the President directs.

Part 5 – Contested Elections

5.1 Contested elections

If, by 5.00 pm on the precis closing day, the number of nominees for election to an office is greater than the number of persons to be elected, a ballot is to be held in the manner set out in this Part.

5.2 Notice of contested elections

(1) The Secretary is to send to every member and the chairman of the relevant organisation a notice which specifies, or notices which specify:

- (a) the offices for which a ballot is to be conducted, and
- (b) the name of each person nominated to those offices and the suburb or locality of their residence, and
- (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
- (d) the names of the 2 members who signed the nomination under rule 3.2(2).

(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.

5.3

5.4 Conducting a ballot at or during a session of the Synod

(1) A ballot to be held at or during a session of the Synod is to be conducted between 2.00 pm and 9.00 pm on the first appointed day and second appointed day of the session.

(2) The ballot is to be held at a place which:

- (a) is convenient to the meeting place of the Synod, and
- (b) is approved by the President.

(3) Between 2.00 pm and 8.00 pm on the days on which the ballot is conducted, the Returning Officer is to provide to a member upon request a ballot paper in the form required by rule 5.5 for each election in which the member is entitled to vote.

(4) A member who wants to vote in the ballot is:

- (a) to complete the ballot paper in accordance with clause 5.6, and
- (b) to place the ballot paper in a ballot box provided by the Returning Officer between the hours of 2.00 pm and 9.00 pm on the first appointed day and second appointed day of the session.

(5) The ballot closes at 9.00 pm on the second day of the session.

(6) As soon as possible after 9.00 pm on the second appointed day of the session the Returning Officer is:

- (a) to cause the ballot papers to be scrutinised and the votes indicated on the formal ballot papers to be counted, and
- (b) after the ballot papers have been scrutinised and the votes counted – to send to the President a report containing:
 - (i) a statement of the total number of the ballot papers which were formal and informal under rules 5.6(2) and 5.6(3), and
 - (ii) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
 - (iii) having regard to the number of persons to be elected and the list referred to in rule 5.4(6)(b)(ii) – a statement of the name or names of the person or persons to be declared elected.

- (7) As soon as convenient after receiving the Returning Officer's report, the President is:
- (a) to declare elected the person or persons referred to in the statement required by rule 5.4(6)(b)(iii), and
 - (b) if the Synod is then in session, to cause a copy of the Returning Officer's report to be posted in a place where it may be readily seen by members, and
 - (c) if the Synod is not then in session, to cause a copy of the Returning Officer's report to be sent to each member.

5.5 Form of Ballot Paper

The Archbishop-in-Council may prescribe from time to time the form of ballot paper to be used in a ballot conducted under this Schedule.

5.6 Method of completing ballot papers

- (1) Votes in a ballot conducted under rule 5.4 are to be indicated by placing a cross (X) in the square opposite the name of the person or names of each of the persons for whom the member wishes to vote.
- (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.
- (3) A ballot paper is not to contain more names marked with a cross than the number of offices to be filled.
- (4) A ballot paper which has been completed in accordance with rules 5.6(1), 5.6(2) and 5.6(3) is to be regarded as formal. A ballot paper which has not been completed in accordance with these rules is to be regarded as informal, and is not to be considered in determining the result of the ballot.

5.7 Spoilage etc of ballot papers

If:

- (a) the Returning Officer is satisfied that a ballot paper supplied to a member has been spoiled by a mistake or accident, and
- (b) the original ballot paper is returned to the Returning Officer for immediate destruction,

another ballot paper may be given to the member in the place of the original.

5.8 Different terms of office

If, in an election for which a ballot is held in the manner set out in this Part, the persons to be elected are not required to serve the same term of office, the persons who receive the highest number of votes are to be declared to be elected for the longer terms of office.

5.9 Equality of votes

If in any ballot any 2 or more members receive an equality of votes making the result of the ballot doubtful, the ballot shall be subject to a recount. If, in the event of the votes still being equal, the office or offices in doubt are to be decided by lot in such manner as the President directs.

Part 6 – Recounts

6.1 Application for a recount

- (1) An application for a recount for any ballot conducted under this Schedule may be made by:
- (a) a person who was nominated in the election, but was not declared to have been elected under rule 5.4(7), or
 - (b) any 5 members who were eligible to vote in the ballot.
- (2) An application for a recount is not to be made if a recount has already been scheduled to take place, or had already taken place, in respect of the same ballot.
- (3) An application for a recount is:
- (a) to be in writing, and
 - (b) to be signed by the applicant or applicants referred to in rule 6.1(1), and
 - (c) to specify the reason or reasons why the recount has been applied for, and

- (d) specify an email address for the giving of notices to the applicant or applicants.
- (4) The applicant or applicants for a recount may request in the application that a person, other than the Returning Officer appointed under rule 2.1, act as Returning Officer for the recount.
- (5) An application for a recount is to be made to the Secretary:
 - (a) if the Synod is then in session – by 5.00 pm on the day after the day on which the result of the election was declared under rule 5.4(7)(b), or
 - (b) if the Synod is not then in session – by 5.00 pm on that day being 4 days after the date on which a copy of the Returning Officer’s report was sent to members under rule 5.4(7)(c).
- (6) Upon receipt of an application for a recount, the Secretary is to notify the President immediately and send him a copy of the application.

6.2 Direction for a recount

- (1) If the President thinks there is good reason for a recount:
 - (a) he is to direct a recount, and
 - (b) if the applicant or applicants have requested under rule 6.1(4) that a person, other than the Returning Officer appointed under rule 2.1, act as Returning Officer for the recount – he is to appoint another person to act as Returning Officer for the purposes of the recount.
- (2) The President is to notify the Secretary immediately in writing that he has directed a recount and of the name and address of the person appointed to act as Returning Officer for the purposes of the recount.
- (3) Upon receipt of a notification from the President under rule 6.2(2) the Secretary is forthwith:
 - (a) to notify the applicant or applicants of:
 - (i) the direction given by the President under rule 6.2(1), and
 - (ii) the name of any Returning Officer appointed by the President under rule 6.2(1)(b), and
 - (b) if the President has directed a recount – notify the Returning Officer of:
 - (i) the direction given by the President under rule 6.2(1), and
 - (ii) the name of the applicant or names of the applicants, and the email address referred to in rule 6.1(3)(d), and
 - (iii) the name of, and the postal and email address for, each other person who was nominated in the election, and
 - (iv) the name of the person having custody of the ballot papers.

6.3 Notice of a recount

- (1) The Returning Officer is to give at least 24 hours notice of a proposed recount to:
 - (a) the applicant or applicants for the recount at the email address referred to in rule 6.1(3)(d), and
 - (b) each other person who was nominated in the election, and
 - (c) the person having the custody of the ballot papers.
- (2) A notice under rule 6.3(1) is to specify the date, time and place where the recount is to take place.
- (3) The person having the custody of the ballot papers, and any other papers used in the ballot, is to produce those papers to the Returning Officer at the date, time and place specified in the notice under rule 6.3(1).

6.4 Appointment of scrutineers for the recount

The following persons may each appoint a scrutineer to be present at the recount:

- (a) the President,
- (b) the applicant or applicants for the recount,
- (c) each person nominated in the election.

6.5 Conducting the recount

(1) The Returning Officer, in the presence of any scrutineers appointed under rule 6.4, is to cause the ballot papers to be scrutinised and the votes indicated on the formal ballot papers to be counted. The Returning Officer may also inspect any other papers used in the ballot.

(2) In carrying out his or her functions, the Returning Officer may use such assistance as he or she considers necessary.

6.6 Results of the recount

(1) As soon as possible after the recount has been completed, the Returning Officer is to prepare and send to the President a report containing:

- (a) a statement of the total number of formal and informal ballot papers under rules 5.6(2) and 5.6(3), and
- (b) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
- (c) having regard to the number of persons to be elected and the list referred to in rule 6.6(1)(b) – a statement of the name or names of the person or persons to be declared elected.

(2) As soon as convenient after receiving the Returning Officer's report, the President is:

- (a) to declare elected the person or persons referred to in the statement required by rule 6.6(1)(c), and
- (b) if the Synod is then in session – to cause a copy of the Returning Officer's report to be posted in a place where it may be readily seen by members, and
- (c) if the Synod is not then in session – to cause a copy of the Returning Officer's report to be sent to each member.

(3) A declaration made under rule 6.6(2) cancels the previous declaration made in respect of the ballot under rule 5.4, to the extent of any inconsistency between those declarations.

(4) A person who is declared to have been elected under rule 6.6(2) takes office immediately, if he or she has not already done so. A person who was declared to have been elected under rule 5.4 but who is not declared to have been elected under rule 6.6(2) immediately ceases to hold office.

Part 7 – Filling of Casual Vacancies

7.1 Casual vacancies

(1) A casual vacancy in any office arises in the circumstances specified in:

- (a) rule 3.5(2), or
- (b) rule 7.1(2), or
- (c) the ordinance which creates that office.

(2) A casual vacancy in an office to which the holder was elected by the Synod, or which was filled by the Standing Committee under this Part 7, arises if –

- (a) the person holding that office –
 - (i) dies, or
 - (ii) resigns by notice in writing to the Diocesan Secretary, or
 - (iii) ceases to hold any qualification which was necessary for election to office, or
 - (iv) is absent without leave for 3 consecutive meetings and the board, council or committee by resolution declares the office to be vacant, or
 - (v) becomes an insolvent under administration, or
 - (vi) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting, or
 - (vii) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (viii) is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or

- (ix) is convicted of an offence punishable by imprisonment for 12 months or longer, or
 - (x) becomes subject to a recommendation from a Tribunal or the Adjudicator under the *Discipline Ordinance 2006* (or from a comparable Tribunal or body in another diocese or church) that he or she be prohibited from holding the office or should be removed from the office, or
- (b) the office is in a board or council which is a body corporate and –
- (i) the person holding that office has not signed the statement of personal faith before attending any meeting of the board or council held after his or her election or, having signed the statement of personal faith, declares that he or she is no longer able to subscribe to the statement of personal faith, or
 - (ii) the board or council resolves at a meeting by at least a three-quarters majority of all its members (excluding the person holding the office concerned) that, in its opinion, the person failed to disclose his or her actual material conflict of interest in a matter brought for the consideration of the board or council which –
 - (A) resulted in a resolution of the board or council which would not have been made had the actual material conflict of interest been disclosed, and
 - (B) justifies the person ceasing to hold office as a member, or
- (c) the Synod, or the Standing Committee if the Synod is not in session, by resolution declares the office to be vacant and specifies its reason for making that declaration, after the mover of the resolution has discussed the proposal with the chairman of the board, council or committee of which the office forms part.

(2A) If a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies to a person holding office at the time of his or her election and notice of such disqualifying circumstance is received by the Diocesan Secretary, the person is taken to cease holding a qualification necessary for election to the office for the purposes of rule 7.1(2)(a)(iii) on the later of the date of his or her election and the date such notice is received.

(3) If a person holding office resigns by notice in writing to the Diocesan Secretary, the Diocesan Secretary is to forthwith give notice of that resignation to the chairman or secretary, if any, of the board, council or committee of which the office forms part.

7.2 Filling of casual vacancies

(1) Subject to the terms of any ordinance which creates the office, a casual vacancy in that office to which the holder is elected by the Synod may be filled by the Standing Committee when the Synod is not in session.

(1A) Any member of the Standing Committee who nominates a lay person for election to fill a casual vacancy under rule 7.2(1) must certify to the Standing Committee that the nominee has consented to his or her name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes.

(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 requirement in 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 board or council which is a body corporate and 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 board

or council and will do so before attending any meeting of the board or council held after his or her election.

(3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member of the Standing Committee for election to fill a casual vacancy under rule 7.2(1).

(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.

(5) A vacancy in any office which was not filled in an election conducted at or during a session of the Synod is to be regarded as a casual vacancy and is to be filled in accordance with the terms of any ordinance applying specifically to that office. Otherwise, the vacancy may be filled:

- (a) by the Standing Committee under rule 7.2(1), or
- (b) as the Synod by resolution determines.

7.3

Part 8 – General

8.1

8.2 Impossibility or impracticality etc of conducting an election or convening an ordinary session of the Synod

(1) This rule applies –

- (a) if the Archbishop-in-Council determines that it is impossible or impracticable to –
 - (i) convene an ordinary session of the Synod at which an election for an office would be required to be conducted, or
 - (ii) conduct an election at or during an ordinary session of the Synod, or
- (b) if, for any reason, an election does not take place at the session.

(2) The rules for the conduct of the election are modified by replacing Parts 4 and 5 of the Schedule with Parts 4 and 5 set out in the Second Schedule.

(3) The Archbishop-in-Council is to specify a date which is to be regarded as the first appointed day of the ordinary session for the purposes of the election.

8.3 Irregularities in an election

(1) If the President thinks that:

- (a) an election has not been conducted in accordance with this Schedule, and
- (b) the irregularity may have affected the result of the election,

he may direct that a new election take place.

(2) The President may not give a direction under rule 8.3(1):

- (a) after 1 week has elapsed from the declaration of the result of the election under rule 5.4, or
- (b) if there has been a recount under Part 6, after 1 week has elapsed from the declaration of the result of the recount under rule 6.6.

8.4 Maintenance and production of statements of personal faith

A board or council which is a body corporate –

- (a) is to hold the statement of personal faith signed by each member of the board or council elected under these rules, and
- (b) upon request of the Standing Committee, is to produce to the Standing Committee a copy of the signed statement of personal faith held for a member of the board or council elected under these rules.

8.5 Regulations

The Archbishop-in-Council may make regulations to give effect to the rules in this Schedule, including to provide for any matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively.

Second Schedule

Substituted rules where it is impossible or impractical to conduct an election at an ordinary session of the Synod or convene a session

Part 4 – Uncontested Elections

4.1 Uncontested elections

If, by 5.00 pm on the precis closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected –

- (a) the Returning Officer is to forthwith give notice to the President of –
 - (i) the offices for which the nominations were made, and
 - (ii) the names of the persons nominated,
- (b) as soon as practicable following receipt of the notice in rule 4.1(a), the President is to declare elected to their respective offices the persons named in the notice, and
- (c) the Returning Officer is to post a copy of the notice indicating those persons who have been elected at the nominated website address.

4.2 Different terms of office

If, in an election –

- (a) the number of nominees does not exceed the number of persons to be elected, and
- (b) the persons to be elected are not required to serve the same terms of office,

the retiring members (if any) who have been nominated are to be declared elected for the longer terms of office in order of the length of service of each since last being elected to office. Any distinction required to be made between other persons is to be decided by lot in such manner as the President directs.

Part 5 – Contested Elections

5.1 Contested elections

If, by 5:00 pm on the precis closing day, the nominees for election to an office is greater than the number of persons to be elected, a ballot is to be held in the following manner –

- (a) As soon as practicable, the Secretary is to send Synod Members and the Chair of the relevant organisation a notice which specifies –
 - (i) the offices for which a ballot is to be conducted,
 - (ii) the name of each person nominated to those offices and the suburb or locality of their residence, along with their precis,
 - (iii) the names of the 2 members who signed the nomination in accordance with the Rules,
 - (iv) the date by which a link to the online ballot will be circulated (the 'ballot opening date', per rule 5.1(c)), and
 - (v) the date on which the ballot will close (the 'ballot closing date', per rule 5.1(d)).
- (b) The notice in rule 5.1(a) is to include an invitation for Synod Members to submit material to the Secretary in support of the nomination of a nominee or nominees, to be hosted on an unadvertised but publicly accessible page on the website nominated by the Standing Committee, subject to –
 - (i) the material being provided by the Synod Member in completed form within four business days of the notice of contested election being posted, and
 - (ii) the provision of the written approval of every person referred to in the material (where reasonable to do so), including any nominee and their nominators, whether referred to by name or not.
- (c) On the date (the 'ballot opening date') five business days after the notice sent under rule 5.1(a), the Returning Officer shall send by email to each Synod Member –
 - (i) a unique link to an online ballot allowing the Synod Member to indicate the name of the person or names of each of the persons for whom the member wishes to vote, preserving as far as reasonable the anonymity of the Synod Member, while providing only one vote per Synod Member,

- (ii) a statement of the ballot closing date (per rule 5.1(d)), and
- (iii) a link to an unadvertised but publicly accessible page on the website nominated by the Standing Committee, containing any notices made in accordance with rule 5.1(b).
- (d) The ballot shall close at 5:00 pm on the date (the 'ballot closing date') five business days following the ballot opening date (per rule 5.1(c)).
- (e) As soon as practicable after 5:00 pm on the ballot closing date, the Returning Officer is to send to the President a report containing –
 - (i) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
 - (ii) having regard to the number of persons to be elected and the list referred to in rule 5.1(e)(ii) – a statement of the name or names of the person or persons to be declared elected.
- (f) As soon as convenient after receiving the Returning Officer's report, the President is –
 - (i) to declare elected the person or persons referred to in the statement required by rule 5.1(e)(iii), and
 - (ii) to cause a copy of the Returning Officer's report to be sent to each Synod Member.

5.2 Different terms of office

If, in an election for which a ballot is held in the manner set out in this Part, the persons to be elected are not required to serve the same term of office, the persons who receive the highest number of votes are to be declared to be elected for the longer terms of office.

5.3 Equality of votes

If in any ballot any 2 or more members receive an equality of votes making the result of the ballot doubtful, the ballot shall be subject to a recount. If, in the event of the votes still being equal, the office or offices in doubt are to be decided by lot in such manner as the President directs.

Notes

By resolution 33/11 of 2011, Synod, pursuant to clause 7.2(5)(b) (previously clause 7.2(4)(b) of the Schedule to the Synod Elections Ordinance 2000, determined that any vacancy in the office of member of a regional council which was not filled at or during the first ordinary session of Synod may be filled by resolution of the regional council as if the vacancy were a casual vacancy occurring under clause 5(1) of the Regions Ordinance 1995.

Table of Amendments

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| Clause 2 | Amended by Ordinances Nos 42, 2013 and 38, 2014. |
| Schedule | |
| Rule 1.1 | Amended by Ordinances Nos 42, 2013; 38, 2014 and 9, 2015. |
| Rule 1.2 | Amended by Ordinances Nos 6, 2008; 42, 2013; 38, 2014; 9, 2015, and 15, 2021. |
| Rule 2.1 | Amended by Ordinances Nos 42, 2013 and 38, 2014. |
| Rule 2A.1 | Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014. |
| Rule 3.1 | New clause inserted by Ordinance No 42, 2013 and amended by Ordinances Nos 38, 2014 and 9, 2015. |
| Rule 3.2 | Amended by Ordinances Nos 6, 2008; 41, 2013; 42, 2013; 38, 2014 and 9, 2015. |
| Rule 3.2A | Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014. Original clause omitted and new clause inserted by Ordinance No 9, 2015. |
| Rule 3.3 | Amended by Ordinances Nos 42, 2013 and 38, 2014. |
| Rule 3.4 | Amended by Ordinances Nos 42, 2013 and 38, 2014. |

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| Rule 3.5 | Amended by Ordinance No 42, 2013. |
| Rule 3.6 | Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014. |
| Rule 4.1 | Amended by Ordinance No 42, 2013. |
| Rule 5.1 | Amended by Ordinance No 42, 2013. |
| Rule 5.2 | Amended by Ordinances Nos 42, 2013 and 38, 2014. |
| Rule 5.3 | Omitted by Ordinance No 42, 2013. |
| Rule 5.6 | Amended by Ordinance No 42, 2013. |
| Rule 6.1 | Amended by Ordinances Nos 41, 2013, 42, 2013 and 38, 2014. |
| Rule 6.2 | Amended by Ordinances Nos 41, 2013 and 38, 2014. |
| Rule 6.3 | Amended by Ordinance No 41, 2013. |
| Rule 6.6 | Amended by Ordinance No 42, 2013. |
| Rule 7.1 | Amended by Ordinances Nos 59, 2001; 6, 2008 and 9, 2015. |
| Rule 7.2 | Amended by Ordinances Nos 6, 2008; 41, 2013; 42, 2013 and 9, 2015. |
| Rule 7.3 | Omitted by Ordinance No 42, 2013. |
| Rule 8.1 | New clause inserted by Ordinance No 44, 2003. Omitted by Ordinance No 45, 2013. |
| Rule 8.2 | Amended by Ordinance No 15, 2021. |
| Rule 8.4 | New clause inserted by Ordinance No 9, 2015. |
| Rule 8.5 | Original clause renumbered by Ordinance No 9, 2015. |
| Schedule 2 | Inserted by Ordinance No 15, 2021. |

STEVE LUCAS
Senior Legal Counsel
27 May 2021

DANIEL GLYNN
Diocesan Secretary