

Archbishop of Sydney Election Amendment Ordinance 2009

No 26, 2009

An Ordinance to amend the rules relating to the election of the Archbishop of Sydney and for related matters.

The Synod of the Diocese of Sydney Ordains –

1. Name

This Ordinance is the Archbishop of Sydney Election Amendment Ordinance 2009.

2. Amendment of the Archbishop of Sydney Election Ordinance 1982

The Archbishop of Sydney Appointment Ordinance 1982 is amended as follows –

- (a) delete the words “Appointment Ordinance 1982” wherever occurring and insert instead the matter “Election Ordinance 1982”, and
- (b) delete the word “appointment” in the Long Title and insert instead the word “election”,
- (c) delete the matter “8 weeks” in clause 5(2)(a) and insert instead the matter “9 weeks”, and
- (d) insert a new clause 6A after clause 6 as follows –

“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, within 6 weeks after the occurrence of the vacancy cause a report to be prepared concerning the finances of the See and arrange for that report to be sent to the person specified in the notice referred to in subclause (1) of clause 5.
 - (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 person specified in the notice referred to in subclause (1) of clause 5 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.”, and
- (e) in clause 7(2) –
 - (i) insert a new paragraph (c) as follows (with relettering of existing paragraphs (c) and (d) as (d) and (e)) –
 - “(c) contain a certification from at least one of the nominators that the nominee has expressed an interest in accepting nomination and acknowledges that a search will be undertaken for information in the National Register in relation to the nominee;” and
 - (ii) delete the matter “35 days” in relettered paragraph (e) and insert instead the matter “42 days”, and
 - (f) insert a new clause 7(2A) after clause 7(2) as follows –
 - “(2A) Upon being given a nomination, the person specified in the notice referred to in subclause (1) of clause 5 is to forthwith direct the Director of Professional Standards to access any information in the National Register relating to the nominee.”, and
 - (g) after the first sentence in clause 7(4) insert the following –
 - “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)”, and
- (h) in renumbered clause 7(4A) delete the words “this subclause” and insert instead the matter “subclause (4)”, and
 - (i) delete clause 7(5) and insert instead the following –

Archbishop of Sydney Election Amendment Ordinance 2009

“(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 person specified in the notice referred to in subclause (1) of clause 5 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.”, and

- (j) in clause 8, delete all the words after the words “each member of the Synod” and insert instead the following –

“_

- (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.”, and

- (k) insert the matter “, subject to subclause (2),” after the word “shall” in clause 11(1)(c), and

- (l) delete clause 11(2) and insert instead the following –

“(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.”, and

- (m) insert a new clause 15(9) as follows –

“(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.”, and

- (n) insert new clauses 17(4) and (5) as follows –

“(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, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.”, and

- (o) insert a new clause 24(4) as follows –

“(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.”, and

- (p) delete clause 33(1)(d) and insert instead the following –

“(d) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.”, and

- (q) insert a new clause 33A after clause 33 as follows –

“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

Archbishop of Sydney Election Amendment Ordinance 2009

to summon the members of the Synod under clause 5.”, and

- (r) insert, in alphabetical order, the following new definitions in clause 44 –
- “‘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;”.

3. Amendment of the General Synod – National Register Canon 2007 Adopting Ordinance 2008

The General Synod – National Register Canon 2007 Adopting Ordinance 2008 is amended as follows –

- (a) delete clause 3(1)(a) and (b) and insert instead the following –
- “(a) is required to have access to any information in the National Register relating to a member of the clergy or a lay person on the written request of a Church authority referred to in a cell in column 1 of Schedule 1 in the circumstances referred to in the corresponding cell or cells in column 2 of Schedule 1, and
- (b) may disclose whether there is any such, and if so what, information to that Church authority.”
- (b) delete clause 3(2) and insert instead the following –
- “(2) For the purposes of paragraph 13 of the Access Protocol, the Director of Professional Standards is required –
- (a) to have access to any information in the National Register relating to a member of the clergy who has expressed an interest in accepting nomination for appointment as the Archbishop, and
- (b) to disclose whether there is any such information, and if so what information, to the member of the clergy and the Synod,
- in accordance with clauses 7 and 8 of the Archbishop of Sydney Appointment Ordinance 1982.
- (3) Except as provided under subclause (1) or (2), any procedures of a Church authority which require access to information in the National Register have no force or effect.”.

4. Amendment of the Retirements Ordinance 1993

The Retirements Ordinance 1993 is amended by inserting the words “upon the Archbishop reaching the age of 60 years” at the end of clause 5(1)(a).

5. Amendment of the Conduct of the Business of Synod Ordinance 2000

Rule 4.2 of the Schedule to the Conduct of the Business of Synod Ordinance 2000 is amended by inserting a new rule 4.2(1A) after rule 4.2(1) as follows –

- “(1A) A member who wishes to be called by the President to address the Synod is to stand in his or her place. The President is to call from among those standing the member who may address the Synod.”.

6. Commencement

- (1) Subject to subclause (2), this Ordinance commences on the date of assent.
- (2) Clause 5 commences on the first day following the conclusion of the 2nd session of the 48th Synod.

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

K SOWADA
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 21 October 2009.

CJ MORONEY
R WICKS
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
30/10/2009