

CLERICAL MINISTRY ORDINANCE 2009 AMENDMENT ORDINANCE 2013

Whereas the Synod of the Diocese met in special session for the purposes of electing a Bishop from 12th – 14th April 2013 and that Synod did not elect a Bishop, and

Whereas that Synod requested that a special session of Synod be summoned for the purposes of amending the ordinance relating to the election of a Bishop

BE IT ORDAINED BY THE SYNOD OF THE DIOCESE OF NEWCASTLE AS FOLLOWS -

1. This Ordinance may be cited as the Clerical Ministry Ordinance Amendment Ordinance 2013.
2. The Clerical Ministry Ordinance 2009 is known as the Principal Ordinance.
3. The Principal Ordinance is amended by the repeal of Part 4 and the insertion of a new Part 4 to read

Bishop Nomination Board

30. There is established a Bishop Nomination Board.
31. In this part, Board means the Bishop Nomination Board.
32. The Board shall comprise six members of the House of Clergy of Synod and six members of the House of Laity of Synod.
33. The Board must be appointed in the following manner:
 - a) At the first session of every Synod the members of Synod will elect by secret ballot:
 - i) Six clergy members of Synod
 - ii) Six lay members of Synod
 - b) Should there be insufficient nominations for members of a House the Diocesan Council may appoint persons from that House so that each House shall be represented by six members.
 - c) The Administrator shall be ex officio a member of the Board and shall preside at meetings of the Board.

Vacancy in the See

34. The office of Bishop of the Diocese shall become vacant on the day the Bishop
 - a) dies;
 - b) specifies in a letter of resignation to the Metropolitan;
 - c) is deposed from Holy Orders;
 - d) is declared incapable in accordance with any Canon of General Synod having force in this Diocese;

- e) is removed from office in accordance with the Constitution or any Canon of General Synod having force in this Diocese; or
- f) attains the retirement age in accordance with Part 5

Election Synod

35. The Administrator shall proceed to summon a special session of Synod (in this Part referred to as the Election Synod) within 30 days of the vacancy in the office of the bishop occurring or in the case of more than one Synod within 45 days of the previous Election Synod concluding. The Administrator shall issue the summons by giving not less than 90 days' notice in writing to each member of Synod of
- a) the date and time of the Election Synod;
 - b) the venue for the Synod Eucharist;
 - c) the venue for the Election Synod;
 - d) the closing date for nominations for a person of canonical fitness to be elected Bishop of the Diocese being not less than 21 days after the date the summons is issued.
36. The Synod Roll shall close 28 days prior to the date of the Election Synod.

Nominations

37. Upon receipt of a summons to the Election Synod any member may prior to the closing date nominate a person to be elected Bishop provided that;
- a) The nominee is a person who is canonically fit;
 - b) The nomination is in writing in a form approved by the Diocesan Business Manager;
 - c) The nomination is signed by the nominator and assented to by five other members of Synod provided that a member of Synod may only nominate one person but may assent to more than one nominee;
 - d) The nomination is delivered to the Diocesan Business Manager by 5pm on the closing date for nominations;
38. The Administrator shall determine the closing date by which consents to a nomination must be received.
39. Upon receiving a nomination the Diocesan Business Manager shall write to the nominee seeking the consent in writing of that person to the nomination and informing them that consents close at 5pm on the date determined as the closing date for consents.
40. Where consent in writing is not received from a nominee by the closing date for consents, it shall be deemed that the nominee has declined that nomination.

41. Where the consent in writing is received from a nominee by the closing date for consents that person's name shall be included on the Final List.
42. A nominee who has consented may subsequently withdraw their name from the Final List by notifying the Diocesan Business Manager in writing prior to the commencement of the election Synod.
43. The Diocesan Business Manager shall within five days of the closing date for consents forward to the Administrator:
 - a) An alphabetical list of the nominees on the Final List;
 - b) An alphabetical list of nominations received where the nominee has not consented to his or her nomination or has withdrawn their consent;
 - c) An alphabetical list of the nominations received where the nominee has been deemed to have declined his or her nomination.

Function of the Board

44. The Administrator shall summon a meeting of the Board within seven days of the office of the Bishop of the Diocese becoming vacant.
45. The Administrator shall Chair the Board except where the Administrator is a nominee when the Administrator shall appoint a suitably qualified member of Synod to Chair the Board.
- 45A. Any member of the Board who
 - (a) is a person who has been nominated and subsequently consented or is the member of the immediate family of such a person or
 - (b) has nominated a person who has subsequently consented to that nominationshall withdraw from the Board and the Diocesan Council shall appoint a suitably qualified member of the Synod to take his or her place on the Board.
46. When the Chair of the Board has received the Final List the Chair shall table it at a meeting of the Board.
47. The Chair of the Board may at any time call further meetings of the Board and shall on the written request of 5 members call a further meeting of the Board by giving 24 hours notice to the members of the Board.
- 47A. The quorum for any meeting of the Board shall be half the members of the Board.

48. The Board shall
- a) determine what information relevant to the experience, background and qualifications of each nominee should be provided to members of Synod; endeavouring to ensure that the information provided is balanced and fair with respect to each nominee;
 - b) ascertain whether the nominee has any negative findings recorded in the National Register or by a Professional Standards Board or Tribunal or equivalent in any Diocese in which the person has been licensed;
 - c) if it is ascertained that any negative findings have been recorded for a particular nominee, communicate those findings to the associated nominator in writing, and the Board shall advise the nominator of possible courses of action;
 - d) ascertain that the nominee can demonstrate that he or she is suitable for ministering with children and vulnerable people by satisfactorily completing all screening requirements required of clergy in the Diocese and by law in the State of New South Wales;
 - e) determine, subject to this Ordinance, the procedure to be followed at the election Synod including the nature of any presentation that may be made on behalf of nominees;
 - f) ascertain whether any nominee not in episcopal orders will be deemed canonically fit and satisfy the requirements of the Canon Concerning Holy Orders 2004;
 - g) determine at its sole discretion whether and when it releases information about the nominees to the media; and
 - h) forward its determinations to the Diocesan Business Manager no later than 14 days prior to the commencement of the Election Synod.
49. The Board shall undertake such other functions as may be required of it in accordance with this Ordinance.

Proceedings of the Election Synod

50. The Diocesan Business Manager shall no later than 10 days prior to the Election Synod forward to each member of the Synod the Final List together with such material as has been approved by the Board with respect to each person on the Final List.
51. No nominee shall participate in the proceedings of the Election Synod.
52. The President of the Election Synod shall be the Administrator unless the Administrator is a nominee. Where the Administrator is unable to be the President, the person determined by the Diocesan Business Manager in the following order of precedence who is not a nominee and who is willing to preside;

- a) An assistant bishop of the Diocese in order of seniority determined by date of appointment to the Diocese
 - b) An archdeacon of the Diocese in order of seniority determined by date of collation
 - c) The Dean
 - d) An area dean in order of seniority determined by date of appointment.
- 52A. The President shall be entitled to a deliberative but not a casting vote during the Synod.
53. A Synod Eucharist shall precede the election Synod at which
- a) The President shall preside and deliver an opening address reminding members of Synod of the significance of their duties
 - b) The President and members of Synod shall stand and at an appropriate time pray together "Recognising that the community of the Church in this Diocese has entrusted to us the great responsibility of electing a Bishop we earnestly seek God's will; we pray for grace to speak and act with wisdom and charity and with regard to the integrity of those whose names come before us".
54. Following the Synod Eucharist, the Synod shall assemble at the specified venue when
- a) The President shall read an alphabetical list of nominees.
 - b) The Diocesan Business Manager shall advise the Synod of the names of any nominee who has withdrawn his or her consent since the list was circulated to members of Synod.
 - c) Any member of Synod who has withdrawn his or her consent as a nominee may then resume his or her place in Synod.
55. The Election Synod shall at all times conduct its business in camera.
- 55A. The President may communicate with any nominee throughout the Election Synod in order to seek clarification on a significant issue, and a nominator may communicate with his or her nominee throughout the Election Synod.
56. The Standing Orders of the Synod shall apply to an Election Synod.
57. The Synod shall appoint such officers as may be required to assist with the running of the Synod who shall be known as the designated officers.
58. Members of the Synod:
- a) shall receive such information by presentation or otherwise as the Board has determined;
 - b) may ask the nominator of a nominee questions about the nominee;

- c) may speak to the nomination in each case;
59. Debate shall be terminated on the carrying in both Houses of a motion 'that the Synod proceed to election'.

The Election

60. The Election shall proceed in this way
- a) When the President calls a ballot
 - (i) the Returning Officer shall authorise the circulation of a ballot paper for the House of Clergy and a ballot paper for the House of Laity comprising an alphabetical list of nominees in which, if there has been a previous ballot, the name of the nominee with the lowest number of total votes in both houses is removed provided that if there is a tie for the lowest number of total votes, no nominee shall be excluded.
 - (ii) the designated officers shall distribute the approved ballot paper to the members of each house ;
 - (iii) members of Synod shall vote for a nominee by placing a cross next to name of the nominee of their choice;
 - (iv) the designated officers shall together tally the votes cast by each House;
 - (v) a formal vote is a ballot paper marked only with a cross against the name of one nominee;
 - (vi) if a nominee receives not less than fifty-five per cent of the total votes cast in each House the nominee shall be the preferred nominee ;
 - b) After each ballot the President
 - (i) shall report to Synod the total number of votes cast indicating the number for each nominee in each house and the number of informal votes in each house ; and
 - (ii) shall ask Synod if it wishes to have further debate.
 - c) The President shall after a ballot in which there is only one nominee and that nominee has not received the required majority in each house recommit the ballot to the Synod on two further occasions.
 - d) The procedures in this section shall continue until a preferred nominee has been identified or until all nominees have been eliminated.

- e) Where a preferred nominee is identified the President shall call for a ballot without further debate on the question that the preferred nominee be elected the bishop. The ballot shall be conducted in this way
 - (i) The designated officers shall distribute a blank ballot paper to each member of Synod.
 - (ii) Members of Synod shall write "yes" or "no" on the ballot paper.
 - (iii) the designated officers shall together tally the votes cast by each House;
 - (iv) a formal vote is a ballot paper marked only with either a "yes" or a "no";
 - (v) If not less than two thirds of the number of total votes cast in each House are 'yes' the nominee shall become the bishop-elect.
 - (vi) If the preferred nominee does not receive the required majority the procedures in this section will continue.
- f) Where all the nominees have been eliminated, the President shall once in an Election Synod
 - (i) ask the Synod to submit the names of any person previously considered by this Election Synod for election as the Bishop that it might wish to consider further for election;
 - (ii) Where a name is proposed by a mover and a seconder, the President shall, without debate, submit the name to the Synod.
 - (iii) Where a majority of members of the Synod agree to the consideration of that name that person shall be a nominee.
 - (iv) The President shall continue to submit all proposed names.
 - (v) Once all the proposed names have been considered a new ballot shall be conducted in accordance with the provisions of this section.

61. If no person has been declared elected in accordance with section 60:

- (a) The President shall submit the question to Synod as a whole 'Does the Synod wish to meet again for the purpose of electing a bishop?'
- (b) If the question referred to in subsection 61(a) is answered in the affirmative Synod shall adjourn and the process for election shall recommence provided that any person who has previously been nominated may be re-nominated.
- (c) If the question is answered in the negative the Synod shall be deemed to have been unable to elect and the Bishop Nomination Board shall proceed to bring a nomination to Synod within 90 days. If the said nominee

receives not less than 2/3 majority in both houses the nominee will be elected. If the nominee is unable to secure a 2/3 majority after three ballots Synod will be deemed to have failed to elect and the President shall ask: "Does Synod wish to ask the Bishop Nomination Board to present once more". If the question is answered in the negative, the provisions of 61(d) will apply.

- (d) If the Synod fails to elect a bishop the Administrator shall refer the election to the Primate who together with a majority of the Metropolitans shall elect the Bishop.

62. If a nominee is duly elected by the Synod or the Metropolitans:

- (a) The Administrator, or if it is by Synod the President of the Synod, shall advise the nominee that he or she has been elected.
- (b) The nominee may within 7 days, or such further period as the Administrator or in the case of election by Synod the President of Synod may approve, accept in writing the office of Bishop.
- (c) Where a person fails to notify acceptance he or she shall be deemed to have declined the office.
- (d) Where a person has been duly elected Bishop and has accepted the office:
 - i) the Administrator shall forward a certificate of that person's election to the Metropolitan
 - ii) The Metropolitan shall inform the bishops of the Province of the election
 - iii) The Metropolitan shall where the duly elected person is not a bishop fulfil the requirements of the Provincial Ordinance for the Confirmation of Bishops' Elections (NSW) 1965
- (e) Any objection or question touching the fitness of the person elected shall be submitted to the Metropolitan prior to commissioning and installation.
- (f) If
 - (i) an election be declared void; or
 - (ii) a person elected declines office or diesthe process for election shall recommence provided that any person who has previously been nominated may be re-nominated Synod shall proceed to a further election in accordance with this Ordinance.
- (g) Where a person has been duly elected and consented to the election the person shall be deemed to be the Bishop-elect.
- (h) Where the Bishop-elect is not a Bishop in this Church , the Administrator or person appointed by the Administrator shall arrange with the Metropolitan for the Bishop-elect to be ordained and consecrated.

- (i) At such time as the Bishop-elect is a Bishop in this Church, the Administrator or person appointed by the Administrator shall arrange for the Bishop-elect to be commissioned and installed in the Cathedral Church of the Diocese.
 - (j) Every Bishop elect shall either before consecration or if already consecrated before being commissioned and installed sign and subscribe the following declaration: 'I, chosen Bishop of the Church and See of Newcastle do promise that I will teach and maintain the doctrine and discipline of the Anglican Church of Australia as acknowledged and received by the Synod of the Diocese of Newcastle, and I do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitutions of the Province of New South Wales and of this Diocese and by the Canons, Statutes, Ordinances and Rules (however described) from time to time of the Synod of this Diocese and of the General Synod and the Provincial Synod which have force in this Diocese; and in consideration of being appointed Bishop of the said church and See of Newcastle I do hereby undertake immediately to resign the said appointment with all rights and emoluments appertaining thereto if sentence requiring such resignation should at any time be passed upon me after due examination had by the Tribunal acknowledged by the said Synod for the trial of a Bishop saving all rights of appeal allowed by the said Synod.'
 - (k) the Bishop-elect shall become the Bishop of Newcastle with all rights and responsibilities associated with that office upon being commissioned and installed in the Cathedral Church of the Diocese.
5. The repeal of section 64 and the insertion in its place of a new section to read
64. The Bishop of the Diocese shall cease to hold office when he or she reaches the retirement age provided that the Bishop Nomination Board may upon receiving an application from the Bishop and at a special meeting convened and chaired by the person next most senior in ecclesiastical rank in the Diocese (as defined by section 52) approve an extension of the retirement age up to but not exceeding the age of 70 years.

I **HEREBY CERTIFY** the Ordinance as printed is in accordance with the Ordinance as reported.



The Honourable Mr John Price AM

Acting Chair of Committees

PASSED BY SYNOD on the **25th** day of **May 2013**.



The Reverend Ruth Brand

Clerical Secretary of Synod



Mr Kevin Short

Lay Secretary of Synod

THE ASSENT of the Peter Derrick James Stuart, Administrator (Sede Vacante) of the Diocese was given to the above Ordinance on the *18th* day of *June* **2013** in the Fifth year of our Consecration.



PRESIDENT