

ANGLICAN CHURCH OF AUSTRALIA - DIOCESE OF TASMANIA

BISHOPS' RETIREMENT AND ELECTION ORDINANCE 1985

(Amended 1991, 1998, 1999, 2000)

An Ordinance to provide for and regulate the retirement of Bishops and the election of their successors when vacancies arise resulting from retirement or other cause.

BE IT ENACTED by the Bishop, Clergy and Laity of the Anglican Church of Australia, Diocese of Tasmania, in Synod assembled, as follows:

1. This Ordinance may be cited as the Bishops' Retirement and Election Ordinance 1985.
2. The Bishops' Retirement and Election Ordinance 1947 (and as amended 1956, 1962 and 1978) is hereby repealed.

INTERPRETATION

(Amended 1998) 3. "The Administrator" means the Administrator of the Diocese should the See be vacant and the Vicar-General, should the Bishop have given notice of his resignation.

"The Dean" means the Dean of Hobart.

"The Nomination Committee" means the Nomination Committee appointed as provided by Section 5.

"The Primate" means the Primate of Australia.

"The See" means the Bishopric of Tasmania.

RESIGNATION OF THE BISHOP

(Amended 1998) 4. [1] The Bishop at any time may resign his Office by notice in writing to the Dean specifying the date upon which he intends to vacate his office, being not more than six months after the date upon which he give such notice.

[2] Notwithstanding the provisions of sub-section 4(1) the Bishop shall vacate his office upon reaching the prescribed age in accordance with the Age Qualification and Retirement Ordinance 1987 (as amended) and shall be deemed to have given notice for the purpose of this Ordinance three calendar months prior to the date upon which he shall have reached the prescribed age.

[3] The Bishop's Registrar shall be informed of any impending vacancy in the See arising from the implementation of subsections 4(1) and 4(2)

[4] Upon receiving notice in accordance with sub-section 4(1) or upon notice being deemed to have been given in accordance with sub-section 4(2) the Dean shall thereupon notify:-

- (i) The Synod if it is in session, or
- (ii) The Diocesan Council if Synod is not in session; and
- (iii) The Primate

NOMINATION COMMITTEE

- (Amended 2000) 5. [1] There shall be a Nomination Committee consisting of six members of the House of Clergy and six lay members of Synod elected by ballot at the first session of each Synod and each member of the Nomination Committee shall hold office until the first session of the next succeeding Synod or a vacancy arises as hereinafter provided.
- [2] (i) A vacancy shall arise in the office of a member of the Nomination Committee if he-
- (a) Dies;
 - (b) Is absent without leave from the Diocese for six months;
 - (c) Goes to reside permanently out of Tasmania;
 - (d) Becomes incapacitated by age or infirmity;
 - (e) In the case of clergy, retires; or
 - (f) Resigns from the Nomination Committee.
- (ii) In the case of a vacancy arising as aforesaid, an appointment shall be made by Diocesan Council to fill the vacancy.
- [3] At all meetings of the Nomination Committee nine (9) members present shall constitute a quorum.
- (Amended 1999) [4] (i) The Diocesan Council may at any time request that the Nomination Committee be convened for the proper purposes of, and to facilitate the operation and functions of this Ordinance, and will appoint a person to convene the meeting provided that such person is a member of the Committee.
- (ii) Upon the first occasion when the Nomination Committee is so convened or, if first convened pursuant to clause 6(1)(ii)(b), that Committee shall elect from its members a Chairman and a Secretary not of necessity the person appointed by the Diocesan Council to convene any meeting pursuant to sub-section 5(4)(i), and shall determine the procedures and processes by which it shall deal and comply with its functions, duties and powers as provided for in this Ordinance.
- [5] Only members of the Nomination Committee shall be present at all meetings of the Committee and the proceedings shall be treated as strictly confidential and remain so.
- [6] (i) The Nomination Committee shall report to the Special Synod a list of no more than ten persons canonically qualified for election as Bishop of the See, with profiles of those persons to allow informed discussion in Committee in Synod.
- (ii) The Nomination Committee may approach persons nominated to it in such manner as it determines.

SYNOD TO MEET ON RESIGNATION OF BISHOP OR VACANCY OTHERWISE OCCURRING

- (Amended 1998) 6. [1] Within one month after
- (i) The date upon which the given notice pursuant to sub-section 4(1) or deemed to have notice pursuant to sub-section 4(2).

- (ii) The occurrence of a vacancy in the See from any other causes, the Administrator shall:
 - (a) Call from members of Synod nominations of persons canonically qualified for election as Bishop of the See to be forwarded to the Chairman of the Nomination Committee within one month of such nominations being called;
 - (b) Convene a meeting of the Nomination Committee to be held within one week of the closing date for receipt of such nominations; and
 - (c) Summon a Special Meeting of Synod to be held within four months of the date of the notice under paragraph (i) or the occurrence under paragraph (ii) of this section.

PROCEDURE TO BE FOLLOWED BY SYNOD

- 7. [1] At such special meeting of Synod:-
 - (i) The Administrator or other person presiding shall announce the vacancy and the cause thereof.
 - (ii) The Administrator or other person presiding shall then leave the chair and Synod shall go into committee of the whole of Synod to consider the mode of filling the vacancy.
 - (iii) Only members and officers of Synod shall be present and the proceedings shall be treated as strictly confidential and remain so.
 - (iv) The Committee shall report to Synod the result of its deliberations, and may, if circumstances require, obtain leave to sit again to consider the matter further, and report to Synod.
 - (v) Upon the Committee reporting to Synod the motion shall be proposed, "That Synod now proceed to the election of a Bishop".
 - (vi) If such motion be passed Synod shall proceed with the election as hereinafter provided.
 - (vii) If such motion as aforesaid be negatived or if the election proceedings prove abortive the motion shall be proposed, "That Synod requests the Primate with the other Archbishops and Diocesan Bishops in Australia to elect a Bishop to this See".
- [2] If an election is made or if the appointment is delegated as hereinbefore provided a declaration of the fact shall be signed in the presence of and on behalf of Synod by the Administrator or other person presiding, who shall cause a copy thereof to be recorded in the Bishop's Registry.

PROCEDURE FOR ELECTION OF BISHOP

- 8. [1] If the motion that Synod proceed with the election of a Bishop be passed:

- (i) The Clergy and lay members voting separately shall each elect a chairman for their respective House Committee. Nominations shall be called by the Administrator or other person presiding, and voting shall be by show of hands.
- (ii) The clergy and lay members shall meet in conference under the Lay Chairman to hear a report from the Chairman of the Nomination Committee and consider those nominees submitted to the Conference by the Committee.
- (iia) The Chairman of the Nomination Committee shall inform the Committee of the names of all persons nominated to the Nomination Committee canonically qualified for election as Bishop of the See.

Amended 1999

(iii) *Deleted 1999*

- (iv) At the conclusion of the Conference the Clergy and lay members shall meet in separate Committees under the Chairman elected under paragraph (i) above, to consider the nominations made in paragraphs (ii) and (iii) above, and shall each submit to Synod the names of not more than three persons from those nominations.
- (v) On the reassembling of Synod the Roll shall be called to ascertain the number of members present, and
 - (a) No member of Synod shall take part in any ballot unless he has been recorded as present by the Secretary;
 - (b) Immediately before the taking of any ballot the Secretary shall report to Synod the number of members so recorded and then present, and
 - (c) No member of Synod though present shall be compelled to vote for any person.
- (vi) The Chairman of the Clergy and Lay Committees shall then submit the names agreed upon by the Committees to Synod and a ballot shall be held upon the names so submitted.
- (vii) Any vote under paragraph (iv) of this subsection shall be by secret ballot. Members shall vote by either striking out all the names except that of the person they most desire to be the Bishop or writing the name of such person.

[2] Where a ballot is taken under paragraph (vi) above -

- (i) The votes of the Clergy and of the Lay Members respectively shall be taken separately;
- (ii) Members shall be supplied with numbered ballot papers on which the names contained in the list are written in alphabetical order, and members shall either vote by striking out all the names except the name of the person they most desire to be Bishop or writing the name of such person;
- (iii) If one person only is named on the list submitted as aforesaid the ballot shall be held to determine whether the person so named shall, be Bishop-elect;
- (iv) If at the first ballot any person obtains the votes of two-thirds of the clergy and two-thirds of the lay members voting in each ballot, he shall be Bishop-elect;

- (v) If no person at such ballot receives such two-thirds of the votes as aforesaid, the name of the person receiving the smallest number of votes shall be struck off the list; and if there are two or more persons who each receive the smallest number the one whose name is to be so struck off shall be determined by lot;
- (vi) A second ballot shall then be taken on the list so amended, and if any person obtains three-fifths of the clergy and three-fifths of the laity, he shall be Bishop-elect;
- (vii) If no person obtains such three-fifths of the votes aforesaid, the like procedure as is described by paragraphs (v) and (vi) hereof shall be followed, and successive ballots shall be held until an election is made as aforesaid or no name remains on the list.

(Amended 1999)

- [3] If no election is made on the list first submitted as hereinbefore provided the Clergy and Lay Members by a majority of those present and voting by Orders may put in nomination a further list of persons and such list may contain the names of any persons previously nominated, or the names of any other person canonically qualified for election, and thereupon the like procedure shall be followed as hereinbefore prescribed in respect of the list first submitted.

(Amended 1999)

- [3a] In the event of any further nominations pursuant to sub-section 8 (3) Synod shall determine by simple majority whether the Synod adjourn and refer the additional nomination or nominations to the Nomination Committee.

[4] *(Deleted 1991)*

[5] *(Deleted 1991)*

[6] *(Deleted 1991)*

PROCEDURE WHEN ELECTION MADE

- 9. [1] Upon the election of a Bishop-elect Synod shall rise and the Administrator shall forthwith communicate with the Primate and with the Bishop-elect.
- [2] If the person elected as Bishop-elect declines to accept the appointment, the Administrator shall summon a special meeting of Synod to proceed under Section 7 hereof to be held within three months of the date of the Bishop-elect's non-acceptance.

ADMINISTRATOR TO GIVE EFFECT TO DECISION OF SYNOD

- 10. When Synod has elected a Bishop-elect or has delegated the appointment as hereinbefore provided, the Administrator shall take all steps necessary to give effect to its decision in accordance with the Rules for the Confirmation and Consecration of Bishops as prescribed by Canon of the General Synod of the Anglican Church of Australia, and accepted by Synod or other the rules at the relevant time accepted by Synod.

INSTALLATION OF THE BISHOP

- 11. [1] When the election or nomination of a Bishop has been duly confirmed (if such confirmation is necessary) and the person chosen has been consecrated (if such

consecration is necessary) he shall be installed as soon as may be in the Cathedral of the Diocese.

- [2] Such person shall thereupon become the Bishop of Tasmania and shall be the successor of the Bishop whose place he was appointed to fill.

OFFICE OF ADMINISTRATOR

12. [1] The person having and exercising during the vacancy in the office of the Bishop the powers conferred upon the Bishop by the Anglican Church of Australia Constitution Act 1973 shall be called the Administrator of the Diocese.
- (Amended 1998)
- [2] For the purpose of the Anglican Church of Australia Constitution Act 1973, the Vicar-General is appointed during such a vacancy to have and exercise all the powers conferred by the Anglican Church of Australia Constitution Act 1973 upon the Bishop, and to assent to the Ordinances and Resolutions of Synod, as if he were the Bishop.
- [3] The Administrator -
- (i) Shall be the guardian of the spiritualities of the Diocese;
 - (ii) May exercise any temporal power or function of the Bishop; and
 - (iii) Shall be paid an allowance from the Episcopal Estate at a rate determined by Diocesan Council.

BISHOP'S STIPEND

13. [1] There shall be paid to the Bishop out of revenue from invested capital such yearly sum as with the profits of the Episcopal Estate will meet the stipend set from time to time by Diocesan Council.
- (Amended 1998)
- [2] The stipend of the Bishop Elect shall be paid from 21 days prior to installation in the Cathedral Church of St David provided that the Bishop Elect is not in receipt of any other stipend or salary.

PAYMENT TO VISITING BISHOP

- (Amended 1998) 14. The Diocesan Council shall pay the necessary stipend and expenses to any Bishop who during the vacancy in the See visits the Diocese at the request of the Administrator for the purpose of performing episcopal duties.
- (Amended 1998) 15. The Bishop resigning the See shall not be the Administrator of the Diocese.
- (Amended 1999) 16. (a) The Synod may at any time resolve to vary the times and hours of sitting or resolve to adjourn provided that any motion proposing adjournment shall indicate the date, place and time at which it is proposed the Synod shall reconvene.
- (b) The Conference of both Houses, Synod in Committee, the House of Clergy or the House of Laity may by simple resolution request the Chair of Synod to be resumed for the purpose of considering an adjournment or variation in the times or hours of sitting.