

THE ELECTION OF A BISHOP ORDINANCE 2002
(Amended Synod 2017)

AN ORDINANCE to provide for the election of a Bishop.

THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as the “Election of a Bishop Ordinance 2002”.

Repeal

2. The Election of a Bishop Ordinance 1980 is repealed.

Bishop Nomination Committee

3 – Bishop Nomination Committee

- (1) The *Bishop Nomination Committee* continues in existence.
- (2) The Committee will consist of –
 - (a) the Administrator (*ex officio*), but subject to the operation of subsections (8) and (9); and
 - (b) 4 clerical members of the Synod; and
 - (c) 5 lay members of the Synod; and
 - (d) the Secretary of the Synod (*ex officio*) (and the Secretary of the Synod is not eligible to be elected under paragraph (b) or (c)).
- (3) Synod will also elect 5 clerical and 5 lay reserves (being members of the Synod) so as to provide for the event that a member of the Committee becomes unable to serve.
- (4) The election of members of the Committee and reserves will be by ballot at the annual session of the Synod in each election year referred to in section 14 of the Constitution.

- (5) The election will be conducted in accordance with *The Elections and Appointments Ordinance 1980* subject to the following modifications:
- (a) a ballot must take place notwithstanding that the number of persons nominated does not exceed the number of candidates required to be elected;
 - (b) each member of Synod may vote for up to 9 clerical members of the Synod and for up to 10 lay members of the Synod;
 - (c) the number of votes each person receives will be recorded and the candidates elected as clerical members of the Committee under subsection (2)(b) and as lay members of the Committee under subsection (2)(c) will be those with the highest numbers of votes respectively, up to the number required to be elected under the relevant paragraph of subsection (2), with the remainder then being ranked as reserve members according to the number of votes cast for each candidate (with any required ranking being determined in the case of a tie by the drawing of lots).
- (6) Subject to subsections (7) and (8), a person elected under subsection (5) will hold office until a successor is elected at the annual session of Synod in the next election year.
- (7) Once the Committee has met in accordance with section 3A(2), the members and reserves will continue to hold office until the Committee reports in accordance with section 5(5) notwithstanding that successors have been elected as envisaged by subsection (6).
- (8) In the event of the Administrator or a clerical member of the Committee being considered (with his or her consent) for nomination as Bishop under this ordinance, he or she will cease to be a member of the Committee and there will be a vacancy on the Committee.
- (9) In the event of a casual vacancy (including by operation of subsection (8) and including in the case of the Administrator), the vacancy will be filled by the reserve clerical or reserve lay member as the case may require with the highest ranking (and section 9(1) of *The Elections and Appointments Ordinance 1980* will not apply).

3A – Meeting procedures

- (1) In this section –

relevant event means –
 - (a) the giving by the Bishop of a formal notice of retirement or resignation; or
 - (b) a vacancy of the See for any other reason; or
 - (c) a failure by the Synod to elect a Bishop under section 8 or the Bishop Elect declining to accept the See.
- (2) The Bishop Nomination Committee must hold its first formal meeting for the purposes of this ordinance on a date fixed by the Administrator.
- (3) The Administrator must fix a date under subsection (2) as soon as is reasonably practicable after the occurrence of the relevant event.
- (4) The Administrator will take the chair at the beginning of the meeting held under subsection (2).
- (5) The members of the Committee will, at that meeting, elect one of their number to be the chair of the Committee (who may, but need not, be the Administrator) (and in the event of a casual vacancy in the position of chair of the Committee, or if the chair is unable to attend a meeting of the Committee, the remaining members of the Committee present at a meeting of the Committee may elect someone to act in the office).
- (6) The chair of the Committee will have a deliberative vote but not a casting vote.
- (7) The Secretary of Synod will not have a vote.
- (8) Subject to the succeeding provisions of this ordinance, the Committee may determine its own meeting procedures.

4 – Selection procedures

- (1) Subject to subsections (2) and (3) and to the succeeding provisions of this ordinance, the procedure to be adopted by the Bishop Nomination Committee for the purposes of selecting persons to be nominated by the Committee to Synod under this ordinance will be as determined by the Committee.
- (2) The Committee, in determining its selection procedures under subsection (1), should take into account the guidelines set out in Schedule 1 (but those guidelines will not bind the Committee if the Committee decides to depart from them in any respect).
- (3) The Committee must call for formal nominations of persons to be considered by the Committee by notice to all members of Synod in accordance with the following requirements:
 - (a) the date by which nominations must be made by members of the Synod must not be less than 4 weeks after notice is given to the members of Synod;
 - (b) a nomination –
 - (i) must be made in writing using a form prepared by the Committee; and
 - (ii) must be signed by at least 4 members of the Synod; and
 - (iii) must be made with the written consent of the person who is nominated.
- (4) In addition to any persons nominated under subsection (3), the Committee may consider any other person nominated by members of the Committee themselves with the consent of the person who is being nominated.

Nominations

5. (1) The Bishop Nomination Committee must prepare a report at the completion of its processes to nominate persons to be considered for election to the position of Bishop under this ordinance and include in its report the following:
 - (a) the names of the nominees selected by the Committee together with such information concerning each of them as the Committee may determine (subject to the operation of subsection (3)); and
 - (b) the names of all other persons considered by the Committee together with such information concerning each of them as the Committee may determine,

(and may include such other information as the Committee thinks fit).
- (2) *(Intentionally blank)*
- (3) The Bishop Nomination Committee shall nominate not less than two and not more than four persons to a special session of the Synod to be called for the purpose of electing a Bishop (“an Election Synod”).
- (4) A name shall not be included for nomination to the Synod unless a majority of the clerical and a majority of the lay members of the Bishop Nomination Committee agree to such nomination.
- (5) The Committee must cause its report under subsection (1) to be sent to each member of the Synod not more than two weeks and not less than one week before the date of the Election Synod.

Election Synod

6. (1) The Administrator shall convene an Election Synod as soon as practicable after the commencement of the vacancy of the See for the purpose of electing a Bishop.
- (2) The date and place of the Election Synod shall be fixed by the Administrator, after consultation with the Diocesan Council.
- (3) During the deliberations of an Election Synod, only members and officers of the Synod shall be allowed to be present except by special leave of the Synod. No member or officer of the Synod shall at any time disclose any information concerning the proceedings of an Election Synod (other than the names of the candidates) or the details of any ballot.

- (4) Except as otherwise determined by the Synod, the proceedings of an Election Synod will be conducted in accordance with Schedule 2 (with a variation to those proceedings being determined by the Election Synod at the beginning of the Synod or at any other stage of the proceedings as the Synod thinks fit).
- (5) If a member of Synod has been nominated (with his or her consent) for election as Bishop, the person cannot, while his or her nomination remains under consideration under this ordinance, participate in the Election Synod processes on account of that conflict of interest.
- (6) The fact that a member of the Synod is (or has been) a member of the Bishop Nomination Committee does not, in any way, limit the member's ability to participate in the Election Synod as the member thinks fit (or in any process associated with the Synod).

Procedure

7. (1) At an Election Synod, the Synod, by resolution of a simple majority of the members present and voting may at any stage in the proceedings resolve itself into a committee of the whole and report back to the Synod, or may from time to time adjourn its proceedings to a date to be fixed.
- (2) When the Synod has assembled, the Administrator shall announce that a vacancy of the See has occurred. The Administrator shall state the cause of the vacancy and explain the procedure to be followed in filling the vacancy.
- (3) The Administrator shall inform the members of the Synod of the nominations submitted to it by the Bishop Nomination Committee.
- (4) The Synod shall then resolve itself into a Committee of the whole for the purpose of discussing the candidature of all those who have been nominated by the Bishop Nomination Committee.
- (5) At any time during these proceedings of the Committee any 10 members of the clergy or any 10 lay members of the Synod standing together may require that the House of Clergy and the House of Laity meet separately to discuss the candidature of those who have been nominated.
- (6) At any such meetings the House of Clergy shall be chaired by a member of that House elected by the House of Clergy and the House of Laity shall be chaired by a member of that House elected by the House of Laity.

- (7) Following any such meetings the Chairs of the respective Houses shall report to the Committee on the result of the deliberations of their respective Houses.
- (8) After completion of the deliberation by the Committee the Synod shall resume and each person nominated shall be balloted for in accordance with the provisions of section 8.

Ballot

8. (1) Voting shall be by secret ballot conducted in accordance with the directions to voters set out in Schedule 3.
 - (1a) Voting may be conducted electronically provided that a member of Synod's voting remains secret (and Schedule 3 will apply with such modifications as may be necessary to reflect that the process is being conducted electronically).
 - (2) In the first ballot, each nominee shall be balloted for separately by members of the clergy and lay members of the Synod voting by orders, and every name which shall fail in either order to obtain one-third of the vote of those present and voting in that order shall be removed from the list.
 - (3) The names remaining on the list shall then be balloted for, with each voter recording a vote for one person only, and the person obtaining two-thirds of the votes of the persons present in each order shall be the Bishop Elect.
 - (4) If after three ballots provided for in sub-section (3) the requisite majority of the votes of each order shall not have been received by any one person and if one of the candidates shall have obtained a majority of those present and voting in each order, a member of the Synod may move that that candidate be elected as Bishop.
 - (5) If the motion referred to in sub-section (4) is carried by two-thirds majority of those present and voting in each order voting by secret ballot then that person shall be the Bishop Elect.
 - (6) If no such motion is agreed to, or if no candidate shall receive the requisite majority, then the Synod shall be adjourned until such time as the Nomination Committee shall have prepared a further set of nominations for the Synod.
 - (7) If the Bishop Elect shall decline to accept the See, then the procedure under this Ordinance shall commence again under section 3A. The procedure for nominating and electing another person as Bishop shall be as provided in this Ordinance, provided that the date and time of any subsequent Election Synod shall be determined by the Administrator.

- (8) If an event referred to in subsections (6) or (7) occurs, any person who ceased to be a member of the Bishop Nomination Committee pursuant to section 3(8) shall resume membership of the Committee unless and until the member again ceases to be a member.

Delegation of Powers

9. If the Synod shall fail on three successive occasions to elect a Bishop then the Synod may, either absolutely or subject to any conditions it may think fit to impose, delegate its power and authority to elect a Bishop to the members of the House of Bishops for the time being of the General Synod of the Anglican Church of Australia, and the election shall be made by them in such manner as they shall determine.

Confirmation

10. The Administrator shall report to the acting Metropolitan of the Province of South Australia the result of any election in order to obtain the confirmation required by the Constitution of the Anglican Church of Australia or by any Canon of the General Synod that may for the time being be in force in the diocese.

Standing Orders

11. Save as herein specifically provided, the provisions of the Standing Orders Ordinance 1980 shall apply to any Election Synod.

Interpretation

12. For the purpose of this Ordinance, “the Administrator” includes the person who, in the absence of the Bishop from the Diocese, would be the Administrator, and in relation to any meeting of the Synod includes any person presiding for the time being over the Synod.

Transitional

13. The enactment of the *Election of a Bishop Amendment Ordinance 2017* does not affect the constitution of the Bishop Nomination Committee, as it is constituted under section 3 of this ordinance immediately before the commencement of that amendment ordinance, or the operation of that section in relation to that committee, but otherwise the balance of the amendments made by that amendment ordinance will apply from the commencement of that amendment ordinance.

Schedule 1 – Guidelines relating to the processes during the “selection” of candidates stage

The following is a guide for the process of the Bishop Nomination Committee (the BNC). A number of these processes may need to occur concurrently.

1. Engagement of a consultant

It is encouraged that the BNC engage a consultant to assist in the development and running of the consultation process and the development of the selection criteria. The consultant, depending on the expertise and skills, may be used in a broader way, including by being involved in the interviewing process of the candidates.

2. Diocesan consultation

The BNC should hold a series of consultations (both meetings and online as appropriate) to allow the members of the Diocese to have a say about the Diocese and the particular characteristics being sought in a new Archbishop. These consultations should be as wide ranging as possible and be carried out early in the vacancy.

3. Call for nominations

The BNC calls for nominations from the members of Synod. These nominations should be received by the Registrar. A formal notification of the receipt of the nomination should be given. The Chair of BNC should contact each person nominated to attain their willingness to participate in the discernment process and to outline the process and expected timeframes.

4. Development of selection criteria

The BNC (guided by the consultant) needs to develop the selection criteria. These criteria are an essential tool in the discernment of candidates. The candidates should be asked to respond to the criteria in their application.

5. Publishing of Bishop Nominee Information Pack

An Information Pack should be produced for the candidates that gives an overview of the Diocese, the Role of Archbishop, and the selection criteria.

The following is a suggested list of section headings:

- Welcome (including members of BNC)
- Synod Election Prayer
- Brief History of Diocese of Adelaide
- Adelaide & South Australia
- Governance of the Diocese of Adelaide

- Diocese Fast Facts
- Ministry and Leadership
- Diocesan Map
- St Peter’s Cathedral
- Churches and Congregations
- Mission Partners
- Companion Dioceses
- AnglicareSA
- St Barnabas Theological College
- Anglican Funds SA
- Anglican Schools
- The Finances of the Diocese of Adelaide
- Vision
- Diocesan Consultation Process
- Selection Criteria
- Terms and Conditions of Office
- Application Process
- Anticipated Timeline

6. Invite applications from nominated candidates

The BNC, having reviewed the list of nominees and determining if other names should be added, then invites the candidates to respond to the selection criteria as spelt out in the Bishop Nominee Information Pack.

7. Complete National Register Check

Once applications are received, a check on the National Register must be carried out.

8. Selection of candidates for first round of interviews

The BNC, having reviewed applications, needs to determine which candidates will proceed to the interview round of discernment. Any candidate who is unsuccessful should be informed as soon as possible. The Chair of the BNC should speak directly with the unsuccessful candidates. Candidates being invited for interviews should be informed of the procedure and arrangements for their travel, accommodation and interview.

9. Determine interview questions

Using the selection criteria and responding to the applications of the candidates, the BNC needs to determine the questions to be asked at the interview. The consultant could be used in this process. A scoring matrix is a helpful tool for the BNC in recording their responses to a candidate’s answers to questions.

10. Engagement of profile agency

If a psychological profile is to be used in the discernment of candidates, an appropriate agency needs to be employed and the desired traits need to be determined. The BNC needs to determine how many candidates they are willing to have profiled.

11. Interview of candidates

The BNC needs to determine the procedure and place for the interviews. It may be helpful for these to be recorded for use by the BNC. A profession suite or boardroom, or something similar, is an appropriate place for the interviews to be conducted. The BNC needs to decide if this is the time for candidates to be given a tour of Adelaide and if any hospitality is appropriate.

12. Review interview outcomes and select nominees for second round of interviews or progression to medical and psychological testing and referee checks

At the conclusion of the interviews, the BNC needs to review the outcomes and decide on the progress of candidates. Any candidate who is unsuccessful should be informed as soon as possible. The Chair of the BNC should speak directly with the unsuccessful candidates. Any candidate that is to proceed should be informed of their progress and the next step in their discernment.

Follow-up interview

The BNC needs to determine if they would like to re-interview any or all candidates.

Medical and psychological testing

Candidates progressing should be asked to undertake a basic medical check and be willing to participate in a psychological profiling exercise. The results of the profiling needs to be compared with the interview results.

Referee checks

The BNC needs to determine any questions to be asked of the referees provided by the candidates and the process for their response. If it is a conversation with the referees, it is suggested that the same person speaks to each of the referees for consistency (or a number of people speak to all of the referees asking specific questions to each).

13. Determination of nominees

With the information gathered from the applications, interviews, profile and referee check, the BNC needs to determine which candidates they will present to Synod. Any candidate who is unsuccessful should be informed as soon as possible. The Chair of the BNC should speak directly with the unsuccessful candidates.

Successful candidates should be notified, checked for their willingness to proceed to a synod election.

14. Determination of information to Synod on nominees

The BNC determines what information will be presented to the Election Synod and the form that information will take. Any information about the candidates should be cleared with the Candidate before being published. The BNC will need to present a report to the Synod of their process and other information as spelt out in the Ordinance. Candidates should be given time to prepare for any written or videoed responses requested from the BNC.

15. Video interviews for Synod

If any videos (or other media) are to be used in presenting the candidates to Synod, these need to be prepared.

16. Distribute nominee information to Synod Members

The BNC distributes information about the candidates to the members of Synod for their discernment.

Schedule 2 – Election Synod – order of business and proceedings

1. Registration.
2. Synod commences with prayer.
3. Information concerning the logistics of the day and procedural motions.
4. Formal announcement of the following:
 - a. That a vacancy of the See has occurred.
 - b. The cause of the vacancy.
 - c. An explanation of the procedure to be followed to determine the vacancy.
 - d. Members of the Synod are informed of the nominations submitted by the Bishop Nomination Committee.
5. Synod resolves itself into Committee of the whole in order to consider further the report of the Bishop Nomination Committee.
6. Presentation by the Bishop Nomination Committee.
7. Video presentation by each nominee.
8. Opportunity for members of Synod to speak in support of candidates.
9. Opportunity for members of Synod to respond to what they have heard in the speeches supporting candidates.
10. First ballot.
11. Second series of ballots.
12. Final motion (if required).
13. Synod concludes with prayer.

Schedule 3 – Ballot procedures**I First ballot – section 8(2)**

- This ballot is to affirm which nominees should be considered for election
- A voter’s confirmation relates to each of the nominees separately – a voter may therefore vote for more than one nominee
- A voter will indicate with an **X** in the “Yes” box opposite the name of a nominee if the voter wishes that nominee to be considered in the second series of ballots
- If a voter does not wish a nominee to be considered in the second ballot, the voter may place an **X** in the “No” box opposite the name of the nominee, or may decide to leave this box blank

II Second series of ballots – section 8(3)

Note: This process may be taken up to three times

Voting:

- A voter is only voting for one candidate in any ballot
- A voter votes by placing an **X** in the box opposite the name of the nominee whom the voter supports

III Motion under section 8(4)

Voting:

If a voter supports the motion, the voter votes by placing an **X** in the “Yes” box

If a voter does not support the motion, the voter votes by placing an **X** in the “No” box

Passed 26th May 2002

Amended Synod October 2012: Insert after subsection (1) the following additional subsection: (1a) Nominations shall be in writing and must be signed by four members of the Synod; Section 7 – Delete subsections (4), (5) and (6); Section 7 – Insert after subsection (3) the following new subsections: (4) The Synod shall then resolve itself into a Committee of the whole for the purpose of discussing the candidature of all those who have been nominated by the Bishop Nomination Committee. (5) At any time during these proceedings of the Committee any 10 members of the clergy or any 10 lay members of the Synod standing together may require that the House of Clergy and the House of Laity meet separately to discuss the candidature of those who have been nominated. (6) At any such meetings the House of Clergy shall be chaired by a member of that House elected by the House of Clergy and the House of Laity shall be chaired by a member of that House elected by the House of Laity. (7) Following any such meetings the Chairs of the respective Houses shall report to the Committee on the result of the deliberations of their respective Houses. Section 7, subsection (7) – Renumber as subsection (8) and amend to read: After

completion of the deliberation by the Committee the Synod shall resume and each person nominated shall be balloted for in accordance with the provisions of section 8.

Amended Annual Session of Synod October 2017

Sections 3 and 4 deleted. New sections 3, 3A and 4 inserted.

Section 5 amended. Subsections 5(1), 5(1a), 5(2) and 5(5) deleted. New subsections 5(1) and 5(5) inserted.

Section 6 amended. Subsection 6(3) amended. Subsections 6(4), 6(5), and 6(6) inserted.

Section 8 amended. Subsection 8(1) amended. Subsection 8(1a) inserted. Subsections 8(7) and 8(8) amended.

Section 13 deleted. New section 13 inserted.

Schedules 1, 2 and 3 inserted.