

THE ELECTIONS AND APPOINTMENTS ORDINANCE 1980

AN ORDINANCE to provide for the election or appointment of committees boards representatives officers and dignitaries.

WHEREAS it is expedient to provide for the election or appointment of committees boards representatives officers and dignitaries NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Elections and Appointments Ordinance 1980."

Arrangement

2. This Ordinance is divided into parts as follows:

PART I - General Provisions (Sections 3-9)

PART II - Election of General Synod Representatives (Sections 10-20)

PART III - Diocesan Officers (Sections 21-23)

PART I - GENERAL PROVISIONS

Application

3. Where in the Constitution in any Ordinance or under the rules of any other body the Synod is required to elect any person or persons to any office committee or board and no special provision is made therein for such election the provisions of this Ordinance shall apply to such election.

Time of Elections and Notice

4. Unless otherwise provided -
 - (a) elections pursuant to this Ordinance shall take place at the annual session of the Synod in each election year referred to in section 14 of the Constitution, and
 - (b) notice calling for nominations shall be given with the summons convening the Synod.

Nominations

5. Nominations for such elections shall -
 - (a) be in writing signed by a member of the Synod,

- (b) be signed by the person nominated,
- (c) be accompanied by such details in writing of the person nominated as may be prescribed by the Diocesan Council and as may assist members of the Synod to vote effectively, and
- (d) be in the hands of the Secretary of Synod by the time fixed by him or her for the closing of nominations.

Information for Members of Synod

- 6. Copies of the details in writing referred to in the preceding section together with the office or offices to which the person has been nominated shall be supplied to all members of the Synod not later than the commencement of the session at which the election will take place.

Election

- 7. (1) If the number of persons nominated in any session does not exceed the number of persons required to be elected then the persons nominated shall be declared duly elected without a ballot.
- (2) If the number of persons nominated exceeds the number of persons required to be elected then an election shall take place by secret ballot of all members present.
- (3) In the event of a tie there shall be a further ballot in respect of those persons who have tied, and any further tie shall be resolved by lot.
- (4) If the number of persons nominated is less than the number of persons required to be elected then the Diocesan Council shall appoint such persons as are required to fill the vacancy.

Duration of Office

- 8. Unless otherwise provided the persons elected pursuant to this Ordinance shall hold office until their successors are appointed.

Casual Vacancies

- 9. (1) Casual vacancies in any office to which this Part applies shall be filled by the Diocesan Council.
- (2) Any person appointed pursuant to this section shall hold office for the unexpired portion of the term for which the person he or she replaces was elected or appointed.

Members of Committees etc. not members of Synod

- 9A (1) A person not a member of the Synod shall not be nominated for election or considered for appointment to any committee or body pursuant to any Ordinance of the Synod until he or she shall have signed or shall have indicated in writing that if elected or appointed he or she is willing to sign either -
- (a) a declaration in the form contained in the Schedule hereto; or
 - (b) a declaration in such form but omitting any or all of paragraphs 1, 2 and 3 of such declaration (such a person being hereinafter described as a "non-communicant nominee").
- (2) A non-communicant nominee shall not be eligible for appointment or election to any such committee or body if his or her appointment or election would cause the total number of non-communicant nominees on such a committee or body to exceed one half of the number of persons who are required to form a quorum for a meeting of such committee or body (hereinafter called "the quota number").
- (3) Where an election is required to be conducted to fill more than one position on such a committee or body and the number of non-communicant nominees is such that if all were elected the total number of non-communicant nominees on such committee or body would exceed the quota number, then separate elections shall be conducted to fill each position on such committee or body.
- (4) A person not a member of the Synod who is appointed or elected to any such committee or body shall not take office until he or she shall have signed a declaration in the form contained in the Schedule hereto or in the case of a non-communicant nominee, in such a form omitting paragraphs 1, 2 and 3 or any of them.
- (5) The Synod shall indemnify any person referred to in subsection (4) as a member of such committee or body against any claims by any creditor of the Synod and in respect of the payment of debts and liabilities of the Synod in all respects as if such person were a member of the Synod.

Obligation on Members

- 9B Any person appointed or elected to any committee or body exercising any delegated power of the Synod pursuant to any Ordinance shall in respect of that delegated power be subject to the same limitations, obligations and requirements at law as are imposed upon a member of the committee of an incorporated association, and nothing contained in this Ordinance shall limit the liability of any person for a contravention of any provisions of the Associations Incorporation Act 1985.

PART II - ELECTION OF REPRESENTATIVES TO THE
GENERAL SYNOD OF THE ANGLICAN CHURCH OF AUSTRALIA

General

10. The representatives of the Diocese to the General Synod of The Anglican Church of Australia shall be members of the Synod elected in accordance with the provisions of this Part.

Time of Election of Candidates

11. At any time before a session of the Synod is convened the Bishop, in consultation with the Diocesan Council, may determine that such session shall be an election session of the Synod for the purposes of this Part and an election of clerical and lay candidates for appointment as clerical and lay representatives of the Diocese to the General Synod shall be held at such session.

Number to be Elected

12. At the time of calling for nominations for such election there shall be determined the number of clerical and lay representatives to which the Diocese would be entitled if a session of the General Synod were convened at that time hereinafter referred to as 'the entitlement number' and the number of clerical and lay candidates to be elected shall exceed by four the entitlement number.

Elections

13. Subject to the provisions of this Part the nomination and election of such candidates shall be in accordance with the provision of Part I of this Ordinance.

Voting.

14. (1) A ballot shall take place in accordance with this section notwithstanding that the number of persons nominated does not exceed the number of candidates required to be elected.
- (2) In any ballot pursuant to this section the Bishop and members of the clergy may vote only for the clerical candidates and the lay members of the Synod may vote only for the lay candidates.
- (3) Each member of the Synod voting shall vote only for the entitlement number of candidates.

Recording of Votes, Ties

15. The number of votes each person receives shall be recorded and the candidates elected shall be those with the highest numbers of votes, provided that for the purposes of section 7 of this Ordinance there shall be a tie if any of the candidates elected other than any of the first three have an equal number of votes.

Representatives to General Synod

16. If within one year of such election the Bishop in accordance with the Constitution of The Anglican Church of Australia is required to convene the prescribed number of clerical and lay representatives of the Diocese at an ordinary or a special session of the General Synod the clerical and lay representatives of the Diocese to the General Synod shall be the candidates elected pursuant to this part with the highest numbers of votes.

Casual Vacancy

17. In the event of any vacancy occurring in the representatives to the General Synod it shall be filled by the clerical or lay candidate as the case may require with the next highest number of votes.

Duration of Office

18. Representatives of the Diocese to General Synod shall hold office until the Bishop is again required to convene the prescribed number of clerical and lay representatives of the Diocese at an ordinary or a special session of the General Synod provided however that the Diocesan Council may by a two thirds majority declare that a representative who has ceased to be a member of the Synod or who in its opinion is incapable of acting as a representative to the General Synod shall cease to be a representative to the General Synod and a casual vacancy shall thereby occur.

Election by Diocesan Council

19. (1) If, when the Bishop in accordance with the Constitution of The Anglican Church of Australia is required to convene the prescribed number of clerical and lay representatives of the Diocese at an ordinary or a special session of the General Synod, there has been no election of candidates pursuant to this Part within one year preceding such date and if there will be no session of the Synod at which, in the opinion of the Bishop, an election of candidates pursuant to this Part can conveniently be held the candidates for appointment as clerical and lay representatives to the General Synod shall be elected by the Diocesan Council voting as a whole, and the provisions of section 15 of this Ordinance shall apply to such election.

- (2) Where an election of candidates takes place pursuant to this section the representatives of the Diocese to the General Synod shall be the candidates elected pursuant to this section with the highest number of votes.

Representatives to Report to Synod

20. Prior to every session of the General Synod the Diocesan Council shall appoint two of the representatives of the Diocese to the General Synod to prepare a report on the proceedings of such session which report shall be presented as soon as practicable to the Synod.

PART III - DIOCESAN OFFICERS

Secretary of Synod

21. (1) The Secretary of Synod shall be appointed by the Diocesan Council with the consent of the Bishop and shall hold office until the Diocesan Council shall declare such office to be vacant.
- (2) The Secretary of Synod shall be the secretary of the Diocesan Council and he or she may perform the duties of Bishop's Registrar if the Bishop should so appoint him or her.

Synod Officers

22. For the duration of any session of the Synod -
- (a) The Synod Reporter, Scrutineers, and Assistant Secretaries shall be such persons if any as the Bishop shall appoint;
- (b) The Chairperson of Committees shall be such person as the Synod in accordance with Part I of this Ordinance shall elect.

Synod Solicitor and Advocate

23. The Synod Solicitor or Solicitors and the Church Advocate (if any) shall be appointed by the Diocesan Council and shall each hold office until the Diocesan Council shall declare such office vacant.

THE SCHEDULE
(Section 9A(1))

I

of

DO HEREBY DECLARE

- 1. That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church;
- 2. That I belong to no other religious denomination;
- 3. That I have received the Holy Communion not less than three times during the past twelve months;
- 4. That I have attained the age of 18 years;
- 5. That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance from time to time in force;
- 6. That I hereby accept the office of

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and any other office to which I may be elected or appointed pursuant to the said Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgment and ability and in accordance with and subject to the said Constitution and Ordinances.

Signature:

Witness:

Date:

Passed 10th April 1980

Amended 16th September 1982 - Sections 1,12 & 14 amended.

Amended 23rd September 1985 - Sections 1, 9A, 9B and Schedule added.

Amended 18th September 1987 - Sections 1, 16, 18, 19

Amended 16th September 1988 - Section 1, and new 9A

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment Ordinance 1990 - Title - Section 1

Legislative history notes relating to revisions under the Ordinances Publication Ordinance 2004

- (1) Section 5(d) – “or her” inserted after “him”
- (2) Section 6 – heading substituted
- (3) Section 9(2) – “or she” inserted after “he”
- (4) Section 9A(1) – “or she” inserted after “he” in two places
- (5) Section 9A(2) – “or her” inserted after “his”
- (6) Section 9A(4) – “or she” inserted after “he”
- (7) Section 14(2) – “clergymen” deleted and “members of the clergy” substituted
- (8) Section 14(2) – “synodsmen” deleted and “members of the Synod” substituted
- (9) Section 21(2) – “or she” inserted after “he”
- (10) Section 21(2) – “or her” inserted after “him”
- (11) Section 22 – “Chairman” deleted and “Chairperson” substituted