

**GRAFTON DIOCESAN GOVERNANCE ORDINANCE 2008**  
**AMENDING (BISHOP VACANCY, DISCERNMENT AND APPOINTMENT) ORDINANCE 2013**  
Ordinance No. 2 of 2013

An Ordinance to amend the Grafton Diocesan Governance Ordinance 2008 to provide for the discernment of the Bishop by a Synod and appointment by a Bishop Appointment Board.

**PREAMBLE**

WHEREAS presently the discernment of the Bishop, election of a Bishop Appointment Board and the process of appointment of the Bishop by that Board is contained within Chapter 6 and the Third, Fourth, Fifth and Sixth Schedules of the Grafton Diocesan Governance Ordinance 2008 AND WHEREAS it is desirable to have the Ordinance amended to clarify the discernment, election and appointment processes THEREFORE the Bishop-in-Council of the Diocese of Grafton decrees and enacts as follows:

**AMENDMENT**

1. Chapter 6 of the Grafton Diocesan Governance Ordinance is amended by deleting the present Chapter 6 and substituting in place thereof the Schedule 1 to this Ordinance.
2. The Third Schedule of the Grafton Diocesan Governance Ordinance is amended by deleting the present Third Schedule and substituting in place thereof the Schedule 2 to this Ordinance.
3. This Ordinance may be cited as The Grafton Diocesan Governance Ordinance 2008 Amending (Bishop Vacancy, Discernment and Appointment) Ordinance 2013.
4. This Ordinance shall come into effect upon receiving the assent of the Bishop.

**ASSENT**

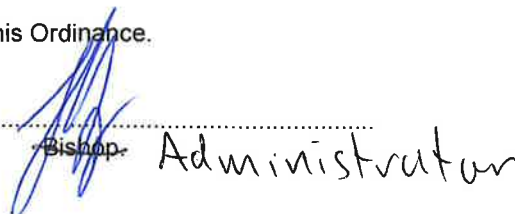
I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
.....  
Chairman of Committees

I certify that this Ordinance was passed by Bishop-in-Council on the 1st day of August, 2013.

  
.....  
Registrar

I assent to this Ordinance.

  
.....  
Bishop Administrator

## **DIOCESAN GOVERNANCE ORDINANCE 2008**

### **CHAPTER 6 – BISHOP – RESIGNATION AND ELECTION**

#### **23 *Vacancy of the See***

23.1 The See of Grafton shall become vacant

- (a) At the completion of the Bishop's term in Office; or
- (b) on the Resignation Date nominated by the Bishop; or
- (c) on the death of the Bishop; or
- (d) on the Bishop being declared incapable of managing his or her affairs in accordance with the provisions of the Bishop (Incapacity) Canon 1995 of the General Synod, reprinted as the Sixth Schedule to this Ordinance; or
- (e) for cause, in accordance with the Constitution and Canons of General Synod in force from time to time in the Diocese.

23.2 For the purpose of the Bishop Appointment Board and for no other purpose any vacancy occurring under clause 23.1(a) shall be deemed to have occurred six months before the date of the completion of the Bishop's term in Office and any vacancy under clause 23.1(b) shall be deemed to have occurred as from the date of the receipt of the letter by the Metropolitan.

#### **23A *Retirement of the Bishop***

23A.1 Except as provided by clause 12 of Chapter 5 of this Ordinance, the Bishop must retire on reaching the age of 68 years.

#### **24 *Resignation of the Bishop***

24.1 The Bishop may resign the See by notice in writing to the Metropolitan of the Province of New South Wales, nominating a date, on which the resignation will become effective (the Resignation Date).

24.2 The Resignation Date must be within the six (6) months following the date that the letter to the Metropolitan is received by the Metropolitan. If no date, or a longer date, is specified, the Resignation Date shall be the date six (6) months from the date the letter is received by the Metropolitan.

24.3 The Bishop must send a copy of the letter of resignation to the Administrator of the Diocese and to the Registrar.

#### **25 *Procedure upon Vacancy of the See***

A Discernment Synod will meet to determine the qualities, characteristics and skills desired of a new Bishop and to elect members of a Bishop Appointment Board. Following that Synod, Synod members will be invited to submit nominations of candidates. The Appointment Board will consider those nominations in conjunction with the results of the Synod's discernment and appoint a new Bishop.

## **26 Procedure of the Synod**

- 26.1 Within four months of the Vacancy of the See, the Administrator shall summon a special session of Synod (A Discernment Synod) of which not less than sixty (60) days notice shall be given for the purpose of discerning the qualities sought in the person desired to fill the vacancy. Such special session shall not be held more than three calendar months before the vacancy takes effect by resignation.
- 26.2 The Administrator shall determine the procedure such discernment should follow and in making that determination may appoint a consultant who shall facilitate a procedure for discussion focused on the future of the Diocese and leadership requirements to achieve that result and bring a report to the Synod.
- 26.3 The Administrator may, prior to the Discernment Synod, invite a Bishop or other appropriate person to address the Discernment Synod on the role of a Diocesan Bishop. The President shall invite such person to address the Synod and may invite questions of the speaker.
- 26.4 A Synod Eucharist shall precede the Discernment Synod and before reception of Holy Communion members of Synod shall stand and pray together:
- “Recognising that the community of the Church in this Diocese has entrusted to us the great responsibility of discerning the qualities sought of a Bishop for the Diocese, we earnestly seek God’s will in guiding us in our deliberations that the person selected will be a shepherd after your own heart who will walk in your ways and with loving care watch over your people.”
- 26.5 At such special session of Synod the Administrator shall preside at all times during the proceedings of the Synod relating to the discernment process and if for any reason the Administrator shall be unable to preside the person next in ecclesiastical rank or degree licensed within the Diocese who is willing to preside shall preside.
- 26.6 Upon the Discernment Synod being duly constituted the President of the Discernment Synod, or a person appointed by the President, shall deliver an address during which Synod members will be reminded of the significance of their duties.
- 26.7 Synod may move into Committee-of-the-Whole at any time if it so resolves.
- 26.8 The Secretaries of Synod shall record the decisions of the Synod so that the Bishop Appointment Board can be advised of the qualities desired of a new Bishop. Such decisions shall be scheduled for the Synod’s approval prior to the closing of Synod.

## **27 Election of the Board**

- 27.1 Upon completion of the discernment process and Synod’s approval of the record of decisions (clause 26.8), or at a time earlier as determined by Synod, the Synod, voting by houses, must elect by ballot nine (9) members of the house of clergy and nine (9) members of the house of laity to be members of a Bishop Appointment Board (the Board).
- 27.2 The Synod shall determine the closing time for nominations for positions on the Board.

- 27.3 The election process for the clergy members of the Board and for the lay members of the Board shall be conducted generally in accordance with clauses 24, 25 and 26 of the Standing Orders of Synod.
- 27.4 For the purposes of clause 24.4 of the Standing Orders of Synod, if the number of persons nominated is not greater than six (6), the President shall declare the persons nominated to be elected
- 27.5 For the purposes of clause 26.4 of the Standing Orders of Synod, if two or more candidates receive the same number of votes for the sixth, seventh, eighth or ninth positions then a new ballot for that position and consequential positions shall be held among those candidates who received that equal number of votes.
- 27.6 The first six (6) clerical members elected and the first six (6) lay members elected, shall be the members of the Board and the next three (3) clerical members elected and the next three (3) lay members elected shall be members on a supplementary list.
- 27.7 Members on the supplementary list shall be included in the order of their election.
- 27.8 Members on the supplementary list shall attend the Board as non voting observers so that if required to fill vacancies on the Board they will be familiar with the work undertaken prior to their appointment.

## **28 *Vacancy on the Board***

- 28.1 The office of a member of the Board is vacant
- (a) if the member fails to attend a meeting of the Board without leave of the Board; or
  - (b) if the member resigns by notice given to the Bishop or the Administrator; or
  - (c) if the member ceases to be eligible to be a member of Synod; or
  - (d) upon the death or incapacity of the member.
- 28.2 A vacancy on the Board shall be filled by the clerical or lay person, as the case requires, whose name appears first in order on the supplementary list of clerical or lay members and who accepts such appointment.
- 28.3 Bishop-in-Council shall by secret ballot fill any vacancy on the supplementary list with a clerical or lay person as the case requires, and that person shall stand last in order on the supplementary list of clerical or lay members.
- 28.4 A decision of the Board shall not be invalid by reason only of a vacancy or vacancies in the membership of the Board.

## **28A *Term of Office***

- 28A.1 The term of office of a member of the Board expires upon installation of the person appointed as Bishop of Grafton.

## **29 *Nominations***

- 29.1 Any member of Synod may, after conclusion of the Discernment Synod and not later than thirty (30) days thereafter, nominate any one person of canonical fitness to be appointed Bishop of Grafton.

29.2 Such nomination, to be valid, shall be:

- (a) In writing in the form set out in the Third Schedule,
- (b) Signed by the nominator,
- (c) Signed by a seconder who is also a member of Synod.
- (d) Accompanied by a statement in writing of the relevant facts relating to the nominee,
- (e) Accompanied by a brief statement signed by the nominee acknowledging that they accept nomination, and.
- (f) Delivered to the Registrar before 5.00pm on the last day for nomination.

**30 *Procedure upon closing of the Synod***

30.1 Upon the closing of the Discernment Synod and not earlier than the last day for receipt of nominations, the Administrator must convene the Board as soon as practicable, and the Board shall meet to consider nominations and to appoint a Bishop to fill the vacancy of the Sec.

30.2 If the Administrator has not consented to nomination as Bishop of Grafton in accordance with clause 32, the Administrator shall be convenor of the Board and its Chair, but shall not vote unless otherwise elected as a member of the Board and in that case shall have a deliberative but not a casting vote.

30.3 If the Administrator has consented to nomination as Bishop of Grafton in accordance with clause 32, the Board shall elect a chair from among its members who shall have a deliberative but not a casting vote and shall be the convenor of the Board.

**31 *Procedure of the Board***

31.1 Except as otherwise provided in this Ordinance, the Board shall have power to order its own procedure.

31.2 A quorum of the Board shall be five (5) clerical members and five (5) lay members, except in the case of a ballot referred to in clause 33.6, in which case a quorum shall be all six (6) clerical members and all six (6) lay members of the Board.

31.3 The proceedings of the Board shall be confidential and except as expressly provided by this Ordinance no member of the Board may reveal to any person information received by him or her as a consequence of his or her membership of the Board.

31.4 Voting shall take place by secret ballot.

31.5 Subject to clause 33.6 no person shall be declared Bishop of Grafton until that person has received the votes of at least four (4) of the clerical members and four (4) of the lay members of the Board.

### **32 *Consent of the Candidate***

- 32.1 Any person under consideration as Bishop of Grafton must consent in writing to nomination in accordance with the Fourth Schedule and complete the Safe Ministry Check in accordance with the Fifth Schedule of this Ordinance.
- 32.2 Any person who does not provide such documents within 14 days of a request to do so shall be deemed to have declined to be considered as Bishop of Grafton.

### **33 *Professional Standards***

- 33.1 The Administrator, in respect of any person whose name is being considered by the Board and who has consented in accordance with clause 32, shall cause to be made all inquiries necessary to determine whether:

- (a) There is professional standards information entered in respect of the person in the National Register; or
- (b) the person is or has been subject to disciplinary proceedings in any Diocese of the Anglican Church of Australia or of any other Church; or
- (c) the person is or has been the subject of a complaint or investigation under the Professional Standards legislation of any Diocese of the Anglican Church of Australia or of any other Church; or
- (d) the person is or has been the subject of investigation or legal proceedings in any State or Territory of Australia or other country, including civil proceedings, in respect of Professional Standards matters,

and must have a report on the results of those inquiries provided to the Board as soon as practicable.

- 33.2 The Administrator, in respect of any person whose name is being considered by the Board and who has consented in accordance with clause 32, shall cause to be obtained a criminal history check and/or a Children's Commission Background Check (the criminal record check) and make the results of that check available to the Board as soon as practicable.
- 33.3 If the Administrator is a nominee for the position of Bishop, the Administrator must not undertake the checks specified in clauses 33.1 or 33.2, nor prepare the reports to the Board specified therein, but shall delegate responsibility for all such things to an appropriate person who is not a nominee.
- 33.4 The Board may not proceed to a ballot in respect of any person until the checks and reports in accordance with clauses 33.1 and 33.2 are received and considered by the Board.
- 33.5 In considering a report under clause 33.1 or under 33.2 the Board must give the person under consideration a reasonable opportunity to respond to any adverse information contained in the report.

33.6 No person in respect of whom professional standards information is entered in the National Register may be elected Bishop of Grafton until that person has received the votes of all six (6) of the clerical members and all six (6) of the lay members of the Board.

**34 Board Member Under Consideration as Bishop**

34.1 A clerical member of the Board, including the Administrator, who has consented to nomination as Bishop of Grafton in accordance with clause 32, ceases to be a member of the Board and his or her position shall be filled in accordance with this Ordinance.

34.2 If the Administrator is absent from the Board or ceases to be a member of the Board, the Board shall elect a chair from among its members who shall have a deliberative but not a casting vote.

**35 Canonical Fitness and confirmation of Appointment**

35.1 The *Provincial Ordinance for the Confirmation of Bishop's Elections (NSW) 1965* is expressly adopted by this Diocese and its provisions shall apply as if an Ordinance of this Diocese.

35.2 When the Metropolitan has notified the Administrator in writing that the appointment of a person has been confirmed, the person appointed (subject to consecration if necessary) shall be the Bishop of Grafton and may exercise the functions of the Bishop from the date of the person's installation in the Cathedral Church of Christ the King, Grafton.

**36 Declaration of Appointment**

36.1 Upon the confirmation of the appointment of a Bishop, the Administrator must publish that fact as soon as practicable in such manner as he or she considers most appropriate and, in addition, must ensure that a Declaration is made in the Cathedral Church during each Divine Service on the Sunday following the confirmation.

36.2 The Declaration in the Cathedral must be in the following terms

.....  
(Title and name of the person appointed)

of .....

has been duly appointed Bishop of Grafton and the appointment has been confirmed.

36.3 Once a person has been publicly declared to be the Bishop of Grafton, the Administrator must take such steps to give effect to the appointment..

36.4 A Bishop of Grafton must, at the time of consecration (if necessary) and installation, make the following declaration:

*"I (full name) 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 the Diocese of Grafton and by the canons, statutes, ordinances and rules (however described) from time to time of the Synod of the Diocese, and of the General Synod and Provincial Synod which have force in this Diocese."*

36.5 Upon consecration (if necessary) and installation, a Bishop of Grafton, subject to law and all the Ordinances of the Diocese shall have and may exercise within the boundaries of the Diocese all the powers which a Bishop of the Anglican Church of Australia may exercise within the Diocese and shall be for all purposes the Bishop of Grafton.

36.6 Following the signing of the Declaration and Consecration the Bishop shall be installed as Bishop of the Diocese of Grafton in the Cathedral Church of Christ the King, Grafton.

**37 *Delay, Non Acceptance of Nullity of Appointment***

37.1 If an appointment is not confirmed within three months of the receipt by the Metropolitan of the Certificate of *Appointment*, the Synod or Bishop-in-Council may resolve that the appointment is null and void.

37.2 If a person appointed as Bishop of Grafton does not accept such appointment within a reasonable time, the Synod or Bishop-in-Council may resolve that the appointment is null and void.

37.3 If an appointment is declared null and void the See is deemed to be vacant from the date of the declaration of nullity.

37.4 A declaration of nullity in respect of the appointment of a particular person does not prevent that person again being appointed as Bishop of Grafton in accordance with this Ordinance.

37.5 If a vacancy in the See is not filled for any reason not specifically provided for above, the See shall be deemed to be vacant from the date of a resolution of Bishop-in-Council declaring the failure to appoint.

**37A *Reconvening of Board***

37A.1 If an appointment has been declared null and void the Chair of the Board must reconvene the Board as soon as practicable and the Board shall proceed afresh to the appointment of a Bishop of Grafton, in accordance with this Ordinance.

**38 *Proceedings if Board Fails to Appoint***

38.1 If any Board fails to appoint a Bishop and notify such appointment to the Administrator within 12 months of the date of the election of that Board, the Board shall report to Bishop-in-Council giving any reasons why the Board should not be immediately dissolved. Bishop-in-Council shall consider such report and shall either:-

a) resolve that an extension be granted to the Board to a date not more than three months from the date of the resolution and if at that date the Board has failed to appoint a Bishop, the Board is deemed to be dissolved, or

b) resolve that the Board is deemed to be dissolved immediately.



38.2 If within the first six months after its election any Board, by resolution passed by four (4) clergy members and four (4) lay members, agrees that it is unable to further consider any of the nominations it has remaining before it, the Chair of the Board shall report such to Bishop-in-Council who will by resolution determine:

a) if members of Synod are to be asked to provide additional nominations to be considered with those already nominated, or

b) the Board is deemed to be dissolved immediately.

38.3 If Bishop-in-Council resolves to seek additional nominations the Administrator shall as a matter of urgency notify each member of Synod in writing, either by letter or by electronic means, that additional nominations are being sought and will be received up until 5.00pm on the next business day after thirty-three days from the date of the issue of such notification.

A Synod member may nominate one person of canonical fitness in addition to any persons previously nominated. A nominations shall be in the form prescribed in clause 29.2..

Additional nominations received shall be processed as if they had been received following a Discernment Synod.

38.4 If the Board has been dissolved, the Administrator must, as soon as practicable, summon a special session of Synod (a Discernment Synod) whereupon Synod shall proceed afresh to the discernment, election of a Bishop Appointment Board and calling for nominations, as prescribed by this Ordinance.

Updated 1 August 2013 – Bishop-in-Council

**THIRD SCHEDULE**  
**Form of Nomination of a Candidate**  
**for Bishop of Grafton**

I, ..... (full name)  
of (address) ,.....  
hereby nominate .....  
who currently holds the following office .....  
and whose present address is .....  
for appointment as Bishop of Grafton.

.....  
(Signed) Nominator. Date .... / .... / .....

I, ..... (full name)  
of (address) ,.....  
hereby second this nomination.

..... Date .... / .... / .....  
(Signed) Seconder.

NOTE: To be valid, this nomination must be accompanied by a statement in writing of the relevant facts relating to the nominee and reach the Registrar before 5.00pm on the

..... day of ..... 20.....