

THE BISHOPRIC ELECTION CANON

(Assented to and passed 4th May, 1986, Amended 1995, Amended 2000)

Preamble

BE it enacted by the Bishop, Clergy and Laity of the Diocese of North Queensland in Synod assembled and with the authority of the same as follows

PART A - PRELIMINARY

1. The Bishop Election Canon 1894-1912 is repealed.
2. **Interpretation.** In this Canon, unless the contrary intention appears:

“Acting Administrator” shall mean the person who shall be the next senior person in ecclesiastical rank or degree below the Administrator as herein defined and who shall be able, willing and eligible to carry out the duties and obligations of the Administrator under the provisions of this Canon.

“Administrator” shall mean the person qualified pursuant to the Constitution to administer the Diocese during a vacancy in the See and for the purpose of this definition and this Canon the See shall become vacant upon the dates upon which it is deemed to become vacant under the provisions of subsection 3 (c) and (e) and the term shall include any Acting Administrator in that period during which the Administrator is unable, unwilling or ineligible to act in relation to his duties and obligations under the provisions of this Canon.

“Canonically fit” or “canonically qualified persons” shall mean a male person who is in Bishop’s or Priest’s orders and is at least thirty years of age and otherwise has canonically fitness within the meaning of that term as used in the Anglican Church of Australia Act.

“Requisite majority” shall mean:

- (i) upon voting by orders two-thirds of the members of each order present.
- (ii) upon voting by all members of the Synod present, two-thirds of all members present.

For the purpose of this definition members present means members present as recorded at the calling of the roll upon the day upon which any vote is taken.

“Simple majority” shall mean:

- (i) upon voting by orders one-half plus one of the members of each order present
- (ii) upon voting by all members of the Synod present, one-half plus one of all members present.

For the purpose of this definition members present means members present as recorded at the calling of the roll upon the day upon which any vote is taken.

PART B - PRE-ELECTION PROCEDURE

3. Special Session of Synod

- (a) For the purposes of this Canon the Administrator shall be President.
- (b) Whenever the See shall become vacant as a consequence of the death, retirement, resignation or deposition of the Bishop a special session of the Synod shall be convened for the purpose of electing a Bishop. When the See becomes vacant as a consequence of the resignation of the Bishop the Synod shall not be convened until after the Registrar shall receive notice from the Metropolitan of such resignation.
- (c) The resignation of a Bishop shall, for the purpose of electing a Bishop, take effect on and from the day on which the Metropolitan shall notify the Registrar of the fact of such resignation and the See shall for the purpose aforesaid and not otherwise, be deemed to have become vacant from that day notwithstanding that the resignation is not in fact to take effect until a later day, stated by the Bishop in his letter of resignation to the

Metropolitan. For all other purposes the Bishop resigning shall be and remain the Bishop of the Diocese until the day named by him for his resignation to take effect.

- (d) The retirement age of a Bishop shall be his seventieth birthday.
- (e) The retirement of a Bishop shall for the purpose of electing a Bishop, take effect on or from the day being 180 days prior to the date upon which the Bishop shall attain his seventieth birthday and the See shall for the purpose aforesaid and not otherwise be deemed to have become vacant 180 days later from that day notwithstanding that the retirement is not in fact to take effect until a later date. For all other purposes the Bishop retiring shall be and remain the Bishop of the Diocese until he attains his seventieth birthday.

4. **Time Limit for Election.** The Administrator shall carry out or cause to have carried out the procedures outlined in this Canon as expeditiously as practicable for the purpose of endeavouring to ensure that a Bishop is elected within nine months of the date the See is deemed to be vacant for the purposes of electing a Bishop.

5. **Notification of Synodsmen.** As soon as practicable after the See becomes vacant the Administrator shall notify all members of Synod:

- (a) of the fact and circumstances of the vacancy;
- (b) as to the procedure under this Canon for the election of a Bishop;
- (c) the customs and etiquette with regard to nomination of and communication with possible candidates.

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6. **Synod to be convened.** The Synod shall be convened by summons of the President stating the object, the place and the time of the meeting of the Synod which shall be not less than ninety days from the issue of citation.

PART C - NOMINATIONS

7. Nominations

- (a) After the issue of the summons to Synod any three or more members of Synod may by writing under their hands nominate for election as Bishop one or more canonically qualified persons.
- (b) No person shall be nominated for election as Bishop unless he shall first consent in writing to his name being nominated.
- (c) A nomination

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- (i) shall be delivered to the Administrator not less than forty-five days before the first sitting day of the Synod unless Synod otherwise permits; and

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- (ii) shall be accompanied by a curriculum vitae of each nominee which shall include his date and place of birth, marital status, family details; educational and theological particulars, clerical history, evidence of pastoral and administrative ability, names and addresses of referees, copies of letters of order and such other relative information which the Diocesan Council may require or the nominee may see fit to include.

8. Election of Nomination Committee

- (a) At every ordinary session of Synod three clergy and three laity shall be elected to form a Nomination Committee (hereinafter referred to as the Committee).
- (b) The clergy members of the Committee shall be elected by the House of Clergy and the lay members of the Committee shall be elected by the House of Laity.
- (c) The Administrator shall be an ex officio member of the Committee and shall be the Chairman thereof.
- (d) The Committee shall appoint from its members a Deputy Chairman who shall act as chairman in absence of the chairman or in the event of the inability of the Chairman to

act as chairman.

- (e) Neither the Chairman nor the Deputy Chairman of the Committee shall have a casting vote.

9. Meetings of the Nomination Committee

- (a) Meetings of the Committee shall be summoned by the Chairman or in his absence or in the event of his inability to act as Chairman the Deputy Chairman.
- (b) Notice of every meeting of the Committee shall be sent by post to each member of the Committee at least three days before each meeting unless the circumstances require shorter notice. The proceedings of any such meeting shall not be invalidated by any irregularity in respect of such notice.
- (c) The Committee may meet for the dispatch of business adjourn and otherwise regulate their meetings as they may think fit. Two members of the Committee shall constitute a quorum.

- Amended 2000 **10. Business of the Nomination Committee.** The Committee shall prepare an alphabetical list of nominees (hereinafter termed the Nomination List) together with the curriculum vitae and such other information received from each nominee. This list and information concerning each nominee shall be issued to each member of Synod not less than fourteen days before the first sitting day of the Synod. The Committee shall not include in the Nomination List the name of any person who is not canonically fit.

11. Vacancy in Nomination Committee.

Any member of the Committee including any ex officio member who shall be nominated for election as Bishop shall be disqualified from membership of the Committee.

Any vacancy in the membership of the Committee shall be filled by the Committee which shall appoint members of the Clergy to the positions left vacant on the Committee by members of the clergy and members of the laity to fill the positions left vacant on the Committee by members of the laity.

If at a meeting of the Committee called for the purposes of filling a vacancy a quorum is not present the Administrator may appoint a member of the Clergy to fill a clerical vacancy and may also appoint a member of the laity to fill a lay vacancy.

PART D – ELECTION SYNOD

- 12. Declaration by Members of Synod.** Before taking part in the special session of Synod each member shall sign a declaration in the following form or to the like effect:

“I, A.B., being a communicant member of the Anglican Church of Australia bearing in mind how important it is that the sacred office of a Bishop should not be conferred upon unworthy persons do solemnly declare that I record my votes at this election for such persons only as I in my conscience believe to be of such learning and soundness in the faith and of such virtuous and pure manners and conversation as to be fitted and qualified for the holy office of Bishop and do further solemnly declare that I am not acting herein through favour or affection but for the glory of God and the good of His Church and the welfare of His people. I do further solemnly declare that I shall not reveal at any time any of the proceedings of the forthcoming session of Synod except such as are authorised by the Synod to be published.”

13. President

- (a) The Synod shall be opened by the President in the manner prescribed by the Standing Orders.
- (b) The Synod shall not proceed to the election of a Bishop unless there is present a clear majority of the Synod of both orders, clergy and laity. If such majority is not present at the opening of the Synod the President shall adjourn the Synod from day to day or from time to time as the Synod shall determine until such a majority is present

(c) The President shall have a deliberative but not a casting vote.

14. **Mode of Election.** When the Synod has been duly assembled in accordance with the Standing Rules and Orders and Sections 12 and 13 hereof the President shall call upon the Synod to proceed to the election of Bishop.

PART E - ELECTION BY THE SYNOD

15. **Nomination List.** If Synod shall decide to proceed to election by Synod the procedure shall be as follows:

- (a) The President shall order strangers to withdraw.
- (b) The President shall then cause a Secretary of Synod to read the names of the persons on the Nomination List. If a nominee is a member of Synod he shall when his name is read either withdraw from the meeting place or alternatively seek the leave of Synod to have his name withdrawn from the Nomination List. If such leave to withdraw his name is not granted then the member shall withdraw from the meeting place. Where a member has withdrawn pursuant to this subparagraph he shall not be re-admitted to the meeting place until such time as his name is no longer on the Nomination List.
- (d) Notwithstanding the provisions of Section 7(c)(i) hereof a name may be added to the Nomination List by leave of Synod provided such nomination shall comply in all respects with the provisions of Section 7 (a), (b) and (c) (ii) hereof and provided that an explanation is given to Synod as to the reason why the nomination was not provided earlier in accordance with section 7(c)(i). The name of such nominee shall thereupon be added to the Nomination List in its correct alphabetical order.

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16. **Consideration of Nominations.**

- (a) Synod shall then resolve itself into a Committee of the whole to receive such further and other information as may be available concerning each and every person on the Nomination List and to consider any matter relevant to the election of Bishop.
- (b) When the motion "that Synod is now prepared to proceed to ballot" has been carried the Chairman of Committees shall leave the Chair and report to the President.

Notwithstanding the provisions of subsection (b) Synod may at any time after a resolution in Committee to proceed to ballot again resolve itself into a Committee of the whole to receive such new information as may be available concerning each and every person on the Nomination List or to consider any additional matter relevant to the election of Bishop.

17. **Election.**

- (a) The President shall then direct the secretaries to prepare ballot papers containing the list of persons nominated in alphabetical order.
- (b) Voting shall be by orders with each member of Synod voting for one person only.
- (c) Voting shall be conducted in accordance with the Standing Rules and Orders with such modifications as are necessary.
- (d) No person shall be deemed to be elected unless his votes shall attain the requisite majority.
- (e) If after the ballot no person shall attain the requisite majority then:
- (i) If there be more than five nominations the secretaries shall prepare a fresh Nomination List containing the names of the five persons to receive the highest number of votes from the House of Clergy and the names of the five persons receiving the highest number of votes from the House of Laity. In the event two or more names having received an equal number of votes for the fifth place, both or all of these shall be included on the Nomination List. The names shall be arranged in alphabetical order.
- (ii) If there be no more than five nominations the secretaries shall delete from the Nomination List the name or names of the person or the persons who received the

lowest aggregate of votes in each House.

- (f) A second ballot shall then be taken in the same manner as the first ballot.
- (g) If after the second ballot no person shall attain the requisite majority then the names of the person or persons who attained the lowest aggregate of votes of each House shall be deleted from the nomination List.
- (h) If after the second ballot no person shall obtain the requisite majority then further ballots shall be conducted in the same manner as the first ballot after deleting the name of the person or persons receiving the lowest aggregate of votes of each House as provided in subsection (g) until either:
 - (i) a person attains the requisite majority on a ballot or;
 - (ii) after a ballot no person attains the requisite majority and prior to a further ballot the deletion of persons from the Nomination List pursuant to sub-section (g) of this section would result in one candidate remaining on the ballot whereupon the President shall declare the election deadlocked.

18. Deadlock Provisions

- (a) If the election shall be declared deadlocked the President shall direct the secretaries to prepare ballot papers containing the names of the persons on the last preceding ballot.
- (b) Up to two further ballots shall be conducted until one person obtains the requisite majority.
- (c) If no person obtains the requisite majority the President shall, after the second ballot announce to the Synod the name or names of the persons who obtained, a simple majority.
- (d) If only the name of one person is announced the President shall submit the name of that person to a ballot and if that person obtains the requisite majority then the President shall declare that person elected Bishop.
- (e) If Synod shall fail to elect under sub-section (d) of this section or if there be two names announced by the President under subsection (c) of this section the President shall ask the Synod whether:
 - (i) Synod wishes to proceed with a further ballot such voting to be by the whole Synod and not by orders; or
 - (ii) Synod wishes to consider fresh nominations including names of persons previously defeated in an earlier ballot whereupon the Synod shall be adjourned to a date not less than sixty days from the day of adjournment and thereupon the procedures laid down in Part C of this Canon for the election of a Bishop shall be recommenced.
- (f) If Synod shall resolve to proceed with a further ballot of the whole Synod the President shall direct the secretaries to prepare ballot papers containing:
 - (i) the name of the person who failed to obtain the requisite majority under the provision of subsection (d) hereof or alternatively
 - (ii) the names of the two persons announced by the President as obtaining a simple majority in either House as provided by subsection (c) hereof.
- (g) If there shall be the name of one person on the ballot paper the President shall then proceed to the taking of the further ballot provided for in subsection (f) (i) for the purpose of ascertaining whether or not the person whose name is on the ballot paper should be elected Bishop. If the requisite majority of all members of Synod present vote for such person the President shall thereupon declare that person elected Bishop.
- (h) If there shall be the names of two persons on the ballot paper the President shall then ensure the taking of the ballot provided for in subsection (f) (ii) and if on the taking of such further ballot provided for in subsection (f) (ii) members of Synod elect one of those

two persons by the requisite majority then the President shall declare that person elected Bishop. If on the taking of such ballot one of the persons named therein shall obtain a simple majority then the President shall proceed to the taking of a further ballot of all the members of Synod for the purpose of ascertaining whether or not the person whose name is on the ballot paper should be elected Bishop. If the requisite majority of all members of Synod present vote for such person the President shall thereupon declare that person elected Bishop.

- (i) If Synod shall fail to elect any person as Bishop by the requisite majority the President shall direct that Synod adjourn to a date to be fixed by Synod and shall be a date not less than sixty days from the day of adjournment whereupon the procedures laid down in Part C of this Canon for the election of a Bishop shall be recommended.

PART F - POST ELECTION PROCEDURE

19. **Declaration of Election.** When an election is made the President shall sign a declaration of the fact and forthwith take the necessary steps for giving effect to the election in accordance with the procedures in force in the Diocese at the time for the confirmation, consecration and enthronement of a Bishop.

20. **Provision against Deadlock.**

- (a) Should the election not be confirmed as provided in Section 19 hereof steps for a fresh election as hereinbefore provided shall be taken.
- (b) If any person so elected under this Canon shall not have accepted such election within a reasonable time then the Synod or if the Synod be not in session the Diocesan Council may resolve that the said election shall be null and void and proceedings shall be taken under this Canon as if the vacancy in the See had occurred at the time of such election becoming null and void.
- (c) If any person canonically fit shall have been elected under this Canon and his election shall have become null and void under any of the provisions of this Canon and the same person shall again elected under the provisions of this Canon such person shall become Bishop upon acceptance, confirmation and consecration if required as aforesaid.
- (d) In case a failure in filling a vacancy in the said See shall occur from any cause not hereinbefore provided for, the proceeding hereinbefore directed shall be repeated until such vacancy shall be filled as if the vacancy had occurred immediately before a resolution of Diocesan Council declaring such failure.

21. **Notification of Election.** When the election of the Bishop has been confirmed as aforesaid, the President shall publish that fact forthwith in such manner as seems to be appropriate to him and shall cause a declaration thereof to be publicly made in the Cathedral Church of the Diocese during the, time of Divine Service on the next Sunday the terms of such declaration being as follows

(Title and name of person elected)

of

has been duly elected Bishop of North Queensland and (his election has been confirmed) (confirmation of his election is not required).

22. **Proceedings after Declaration of Election.** As soon as any person shall have been publicly declared to be elected Bishop as aforesaid the President shall take steps to give effect to such election as the Synod or if the Synod be not in session Diocesan Council may direct.

23. **Bishops to sign Declaration.** The Bishop-elect shall either before his consecration or if already consecrated before exercising any episcopal function in the Diocese sign a declaration of submission to the Constitution Canons and Regulations of the Synod in the form provided.

24. **Installation.** After the consecration or translation of a Bishop as the case may be the Bishop shall be installed in the Cathedral Church in the usual manner of installing a Bishop and shall be held to be in possession of the Diocese and See from and after the time of such installation.

PART G - PROVISION FOR A BISHOP

25. **Stipend and Emoluments.** The stipend and emoluments of the Bishop shall be determined by Diocesan Council.
26. **Bishopric Endowment Fund.** The income of the See shall be the income from investments of the capital fund known as the "Bishopric Endowment Trust". Whenever in any year the income from the said capital fund shall fall below that amount determined by the Diocesan Council as the amount required by the Bishopric together with such provision for the Bishop's travel and housing as may be deemed adequate then such shortfall shall form part of the budgeted disbursements of the Diocese pursuant to the Assessment Canon 1902 as amended from time to time.
27. **The See Residence.** The property consisting of the residence and grounds known as "Bishop's Lodge" shall be the official residence of the Bishop.
28. **Short Title.** The Short Title of this Canon shall be "The Bishopric Election Canon 1986-2000".

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