

## **Archbishop Election Act 1988.**

### **AN ACT**

to provide for the election of the Archbishop of Melbourne, to amend the **Melbourne Archbishop Act 1980** and for other purposes.

### **Part 1 - Preliminary**

#### *Short title*

1 This Act may be cited as the **Archbishop Election Act 1988**.

#### *Definitions*

s. 2 amended by Nos. 10/1992, 3/2000, 2/2005 and 5/2016

2 In this Act –

***Absolute majorities*** in relation to a ballot at a meeting of Synod members, means the votes of an absolute majority of the clerical members and an absolute majority of the lay members present at the meeting when the ballot is held.

***Administrator*** means Administrator of the Diocese.

***Bishop of the Province*** means a Diocesan Bishop of the Province of Victoria.

***Board*** means the Board of Nominators under Part 2.

***Candidate*** means a clerk in full orders whose nomination as a candidate for election as Archbishop has been accepted in accordance with section 29.

***Clerk*** in relation to a parish, includes the Dean of Melbourne, the Chaplain of the Canterbury Fellowship, the superior of the religious community or the chaplain or other person

having the care of the nonparochial congregation, as the case requires.

***Parish*** includes St. Paul's Cathedral, the Canterbury Fellowship, an Authorised Anglican Congregation and a religious community or nonparochial congregation approved or designated by Archbishop in Council for the purposes of the **Synod Act 1972**.

***Quorum*** in relation to a meeting of Synod members means one-half of the clerical members and one-half of the lay members.

***Synod member*** means—

- (a) a licensed clerk who was a licensed clerk when the See last became vacant;
- (b) a lay person who is an ex-officio member of Synod or who—
  - (i) as a representative of a parish, is a member of Synod or, if there is no Synod at the time in question, was a member of the last Synod at the time of its dissolution; and
  - (ii) continues to be eligible to be a member of Synod (not being a representative of a parish for which an alternate lay representative is appointed under section 3); or
- (c) a lay person who —
  - (i) is an alternate lay representative in accordance with section 3; and
  - (ii) continues to be eligible to be a member of Synod.

*Alternate lay representative*

s. 3 amended by Nos. 10/1992 and 3/2000

3 (1) If, after the Administrator convenes a meeting of Synod members under Part 4 —

- (a) a lay person entitled to be a Synod member by reason of being a representative of a parish gives notice in writing to the clerk in charge of the parish that the lay person will be absent from the meeting; or
- (b) the clerk in charge of a parish has definite knowledge of facts by reason of which the clerk believes –
  - (i) that a lay person entitled to be a Synod member by reason of being a representative of the parish will be absent from the meeting; or
  - (ii) that the seat of such a lay person will be vacant –

the clerk shall certify in writing to –

- (c) a lay person who was an alternate lay representative of Synod, for the parish at the time of the dissolution of the last Synod; and
  - (d) the Administrator –
- that the clerk has received the notice or has that knowledge and belief.

- (2) If the clerk gives a certificate under sub-section (1) not less than three and not more than thirty days before the commencement of the meeting, the lay person to whom the certificate relates shall be a member of the meeting for the whole of that meeting.

## **Part 2- Board of nominators**

### *Board of nominators*

- 4 (1) For the purpose of making nominations to a meeting of Synod members convened to elect an Archbishop, there shall be a Board of Nominators consisting of 9 clerks and 9 lay persons.

- (2) Except as otherwise provided by this Act, the members of the Board shall be elected at the first session of each Synod.
- (3) The Board continues until the election of a new Board in accordance with this Act.

s.5 repealed by No. 8/1991

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*Eligibility*

s.6 amended by Nos. 8/1991 and 5/2016

- 6 (1) A person is not eligible to be elected as, or to continue to be, a clerical member of the Board or to fill a vacancy in the office of a clerical member unless, when the Board first meets, the person –
- (a) holds a full licence from the Archbishop; and
  - (b) resides within the Diocese.
- (2) A person is not eligible to be elected as, or to continue to be, a lay member of the Board or to fill a vacancy in the office of a lay member unless, when the Board first meets, the person –
- (a) is –
    - (i) enrolled on the electoral roll of a parish in the Diocese; or
    - (ii) a lay member of any other congregation or body within the meaning of “parish” for the purposes of this Act; and
  - (b) resides within the Diocese.

*Vacancies*

s. 7 amended by Nos. 8/1991 and 3/2000

- 7 (1) The office of member of the Board is vacant if the member–

- (a) resigns by notice in writing given to the Archbishop, the VicarGeneral
  - (b) being a clerk, ceases to be a clerk;
  - (c) being a lay person, ceases to be a lay person;
  - (d) being a clerk, is supported for inclusion in a list of nominations as mentioned in section 20(2) or is included in the list of nominations settled by the Board.
- (2) A vacancy in office of a member occurring before the Board first meets or that is otherwise required by this Act to be filled shall be filled by a clerk or lay person, as the case requires, in accordance with section 21 of the **Regulation of Elections Act 1980** and regulations under that Act.

*Appointment of chairman*

8. (1) The Vicar-General or, if the See is vacant, the Administrator, shall be chairman of the Board, whether or not he is a member of the Board, until the Board elects a member of the Board (whether a clerk or a lay person), to be chairman.
- (2) If the Vicar-General or Administrator is not a member of the Board but is the chairman, he shall not vote.

*Appointment of deputy chairman*

- 9 The Board shall elect a member of the Board (whether a clerk or a lay person) to be deputy chairman of the Board.

*Convening Board*

- 10 (1) The Vicar-General shall convene the Board if the See of the Archbishop is to become vacant within the next six months by reason of the retirement or resignation of the Archbishop in accordance with section 5 or 6 of the **Melbourne Archbishopric Act 1980**.

- (2) If the Board has not been convened under sub-section (1) before the See of the Archbishop becomes vacant, the Administrator shall forthwith convene the Board.

*Chairman of meeting*

11. At a meeting of the Board—

- (a) the chairman; or
  - (b) if the chairman is not present, the deputy chairman, or
  - (c) if neither the chairman nor the deputy chairman is present, a member elected by the Board —
- shall preside.

*Secretary of the Board*

12 (1) The Board may appoint a person, whether or not a member of the Board, to be Secretary of the Board.

- (2) If the Secretary is not a member of the Board, the Secretary—
- (a) may be present at meetings of the Board;
  - (b) except on request by 12 members of the Board, may not speak on any matter before the Board; and
  - (c) may not vote.

*Procedure of Board*

13. (1) The quorum of the Board is one half of the number of clerical members holding office and one half of the number of lay members holding office.

- (2) Except as otherwise provided by this Act, the procedure of the Board is in its discretion.

*Validity of proceedings*

14 A decision of the Board is not invalid by reason only of a vacancy in the office of a member of the Board.

*Election of new Board by postal ballot*

s.15 amended by No. 3/2000

- 15 (1) Where, under this Act, a postal ballot is required to be conducted for the election of a new Board, the Vicar-General or, if the See is vacant, the Administrator shall, by notice in writing given to each Synod member specify—
- (a) a day (“the closing day”), not earlier than two weeks after the day on which the notice is given, on or before which nominations for the election may be delivered to the Registrar of the Diocese; and
  - (b) a day, not earlier than three weeks after the closing day, and a time on that day, for the close of the poll.
- (2) The **Regulation of Elections Act 1980**, so far as practicable, applies to an election under this section save that—
- (a) upon receiving a nomination the Registrar shall display it or a copy of it prominently in the vicinity of the Diocesan Registry until the time of the closing of the election;
  - (b) a person nominated may in writing express to the Registrar not later than the closing day his or her unwillingness to stand for election and the nomination shall thereupon be cancelled; and
  - (c) as soon as practicable after the closing day, the Registrar shall post to each Synod member a voting paper for the election in the form of Schedule A to the **Regulation of Elections Act 1980** with the addition of “Postal Vote” together with a distinctive envelope addressed to the Returning Officer.

**Part 3 – Nominations by the board**

*Board to make nominations*

16. (1) The Board shall settle a list in alphabetical order of not less than three, and not more than six, clerks in full orders for nomination to a meeting of Synod members convened to elect an Archbishop.
- (2) The Board shall settle the list not earlier than 6 weeks after the date of the first meeting of the Board and not later than the day before the day on which the meeting of Synod members commences.
- (3) A name shall not be included in the list unless a majority of clerical members of the Board and a majority of lay members of the Board consent to its inclusion.
- (4) The Board shall prepare an information statement about each clerk included in the list.

*Synod members may submit names*

s.17 amended by No. 10/1992

- 17 (1) When the Board is convened and before its first meeting, the Registrar of the Diocese shall give notice in writing to each Synod member to the effect that Synod members may, within 30 days after the date of the first meeting, submit names of clerks to the Board for its consideration in settling the list of nominations.
- (1A) If the Board is reconvened, Synod members may, within 30 days after the date of the first meeting of the reconvened Board, submit names of clerks to the Board for its consideration in settling the list of nominations.
- (2) The submission of the name of a clerk under this section—
- (a) shall be in writing signed by not less than 10, and not more than 15, Synod members; and

- (b) shall be given to the chairman or deputy chairman of the Board within 30 days after the date of the first meeting of the Board or, if the Board is reconvened, after the date of the first meeting of the reconvened Board.

*Consideration of nominations*

s.18 amended by No. 10/1992

18 In settling the list of nominations, the Board -

- (a) must consider clerks whose names are submitted by Synod members under section 17; and
- (b) may consider any other clerks whose names are submitted to the Board by a member of the Board or by any other person.

*Consultation with the Bishops of the Province*

19. (1) The Board shall consult with the Bishops of the Province before settling the list of nominations.

- (2) The consultation may be by correspondence or meeting (whether with one or more Bishops and one or more members of the Board or otherwise) or may take such other form as the Board determines.

*Consideration of clerical member of Board*

s.20 amended by Nos. 3/2000 and 6/2016

20. (1) A clerical member of the Board whose name is being considered by the Board for inclusion on the list of nominations must not be present at a meeting of the Board while that nomination is being discussed.

- (2) If, following consideration of the name of a clerical member of the Board for inclusion in the list of nominations, a majority of clerical members and a majority of lay members of the Board in writing indicate their support for the inclusion of the name in the list

(whether or not the list is settled), the clerical member ceases to be a member of the Board.

*Clerk to be notified*

s.21 substituted by No. 10/1992

21. Before settling the list of nominations, the Board shall give notice in writing to each clerk of its intention to include the clerk's name in the list.

*Inclusion of name of clerk in settled list of nominations*

s.22 substituted by Nos. 10/1992 and 3/2000

22. If, in accordance with this Part, the name of a clerical member of the Board is included in the list of nominations settled by the Board, the clerical member ceases to be a member of the Board.

## **Part 4 - Election by synod members**

*Convening of meeting of Synod members*

s.23 amended by Nos. 10/1992 and 3/2000

23. (1) After the See becomes vacant, the Administrator shall, after consulting the Chairman of the Board, convene a meeting of Synod members for the purpose of electing an Archbishop.

(2) The meeting shall be convened for specified times (not being before 6pm on Monday to Friday, nor before 10am on Saturday) on at least two specified days (not including Sunday)–

- (a) commencing not less than 3 months, and not more than 6 months, after the See became vacant; or
- (b) if the See became vacant on the Archbishop–
  - (i) attaining the age of 70 years; or
  - (ii) earlier resigning after giving at least 2 months' notice in accordance with section 6 of the **Melbourne Archbishopric Act 1980** of the date the resignation is to take effect–

not less than one month, and not more than 6 months, after the See became vacant.

- (2A) At least 3 whole days shall elapse between the first and second days of meeting.
- (3) The business of the meeting is the election of an Archbishop in accordance with this Part.
- (4) The business of the meeting shall be conducted according to the standing orders of Synod (other than any standing order enabling members to require a vote by Houses) so far as they are applicable, as if the meeting were a meeting of Synod.
- (5) If a quorum is not present within 60 minutes from the beginning of a meeting convened under this section, the meeting shall be abandoned and the Administrator shall convene a further meeting on a day and time not more than 30 days after the date of the first meeting and shall give at least 7 days notice of the day and time.
- (6) If a quorum is not present within 60 minutes from the beginning of a further meeting convened under this section, the meeting shall be abandoned and the Board shall proceed to the election of an Archbishop in accordance with Part 5.

*Meeting closed to public*

s.24 amended by No. 10/1992

- 24 A meeting of Synod members convened under this Part shall be closed to the public and may be attended only by –
- (a) Synod members; and
  - (aa) members of the Board who are not Synod members; and

- (b) such assistants as the Registrar of the Diocese thinks necessary for the proper conduct of the meeting.

*List of nominations*

- 25 A copy of the Board's list of nominations in alphabetical order shall be given to each Synod member at the meeting, together with the Board's information statements on each nominee.

*Withdrawal of name*

s.26 substituted by No. 10/1992

- 26 If a clerk whose name is included on the list of nominations notifies the Administrator in writing that the clerk wishes the clerk's name to be withdrawn from the list, the clerk's name shall be removed from the list.

*Clerks included in nominations not to be present during debate*

- 27 A clerk whose name is included on the list of nominations is ineligible to be a Synod member for the purpose of the meeting until motions for all nominees on the list have been moved and resolved under section 29.

*Chairman of meeting*

28. At a meeting convened under this Part –
- (a) the Administrator; or
  - (b) if another member of the meeting is elected by the meeting to be chairman, that other member–
- shall preside at the meeting.

*Chairman's report*

s.28A inserted by No. 10/1992 and amended by No. 3/2000

- 28A (1) The Chairman of the Board, or another member nominated by the Board, (whether or not a Synod member) may report to the meeting on the proceedings of the Board.

- (2) A report under sub-section (1) may be attached to, or form part of, the document or documents given to Synod members under section 25.

*Procedure*

s.29 amended by No. 3/2000

- 29 (1) A motion that the Board's nomination of a clerk be accepted shall be moved by a member of the Board and seconded by another member of the Board.
- (2) A separate motion shall be moved and seconded for each nominee.
- (3) If a majority of Synod members at the meeting resolves that the nomination be accepted, the nominee is a candidate for election as Archbishop.
- (4) A motion shall not be moved for acceptance of any nomination other than a nomination on the Board's list.
- (5) A member of the Board, other than the mover and seconder of the motion, shall not speak on a motion that the Board's nomination of a clerk be accepted.

*Certain motions may be put*

s.30 amended by No. 10/1992

- 30 When motions for acceptance of all nominations have been put and resolved under section 29 –
- (a) there shall be no further debate at the meeting on the merits of individual candidates for election as Archbishop, except for the purposes of a motion under paragraph (b) or, if the meeting so resolves, when there is only one candidate; and
- (b) if the meeting has not been adjourned under section 31 or 33, the chairman shall inform the meeting that any of the following motions may be put:

- (i) That the Board make new nominations to the meeting;
  - (ii) That the Board elect one of the candidates as Archbishop;
  - (iii) That Synod members elect a new Board to make nominations to the meeting; or
  - (iv) That Synod members elect a new Board to elect a clerk as Archbishop; and
- (b) if the meeting has been adjourned under section 31 or 33, the chairman shall inform the meeting that either of the motions referred to in paragraph (b)(ii) or (iv) may be put.

*New list of nominations*

31 If a motion that the Board make new nominations is passed by a majority of clerical members and a majority of lay members present at the meeting—

- (a) the meeting is adjourned until a day to be fixed by the Administrator;
- (b) the Board is deemed to have been reconvened; and
- (c) any vacancies on the Board shall be filled in accordance with Part 2 before the Board first meets after being reconvened; and
- (d) the Board shall proceed to settle a list in alphabetical order of not less than three, and not more than six, clerks in full orders for nomination to the meeting.

*New nominations and members of Board*

s.31A inserted by No. 10/1992

31A For the purposes of sections 30 and 31 —

- (a) a clerk whose name is included in the first list of nominations may also be included, in accordance with this Act, in a later list of nominations;

- (b) a person who was a member of the first Board may be a member of a new Board.

*Recommendation of clerk for election*

32. If a motion that the Board elect one of the candidates is passed by a majority of clerical members and a majority of lay members present at the meeting -

- (a) the meeting is dissolved;
- (b) the Board is deemed to have been reconvened;
- (c) any vacancies on the Board shall be filled in accordance with Part 2 before the Board first meets after being reconvened; and
- (d) the Board shall proceed to the election of an Archbishop in accordance with Part 5.

*Recommendation for election of new Board to make nominations*

s.33 amended by No. 8/1991

- 33 (1) If a motion that the meeting elect a new Board to make nominations to the meeting is passed by a majority of clerical members and a majority of lay members present at the meeting—
- (a) the meeting is adjourned until a day to be fixed by the Administrator; and
  - (b) the Board is dissolved; and
  - (c) a postal ballot shall be conducted for the election of a new Board in accordance with section 15.
- (2) When the members of a new Board have been elected, the Administrator shall convene the Board and the provisions of this Act apply accordingly for the purposes of making new nominations to the meeting of Synod members.

*Recommendation for election of new Board to elect Archbishop*

s.34 amended by No. 8/1991

- 34 (1) If a motion that the meeting elect a new Board to elect a clerk as Archbishop is passed by a majority of clerical members and a majority of lay members present at the meeting –
- (a) the meeting is dissolved;
  - (b) the Board is dissolved; and
  - (c) a postal ballot shall be conducted for the election of a new Board in accordance with section 15.
- (2) When the members of a new Board have been elected, the Administrator shall convene the Board and the provisions of this Act shall apply accordingly for the purposes of the election of an Archbishop by the Board in accordance with Part 5.

*Motion that election be held*

s.35 amended by No. 3/2000

- 35 (1) When the chairman of the meeting has informed the meeting of the motions that may be put under section 30 and–
- (a) no such motion is put; or
  - (b) if such a motion is put, no such motion is passed by a majority of clerical members and a majority of lay members present at the meeting–
- the chairman shall inform the meeting that a motion may be put that there be further debate on the merits of the individual candidates and, if the motion is passed by a majority of Synod members present, such a debate may be held for not more than 30 minutes.
- (1A) A debate on the merits of the individual candidates referred to in sub-section (1) may be extended, or further extended, by resolution of a majority of Synod members present for

a period, or further period, not exceeding 30 minutes but the debate shall not continue for more than 90 minutes.

- (1B) If a motion for a debate on the merits of the individual candidates referred to in sub-section (1) is not put, or if put, is not passed by a majority of Synod members present, or such a debate has concluded, a motion that the election be now held may be put and, if the motion is passed by a majority of clerical members and a majority of lay members present at the meeting, the election of a candidate as Archbishop shall be held.
- (2) If a motion that the election be now held is not passed as required by sub-section (1B)–
- (a) a motion referred to in section 30 may be put and, if passed by the votes of a majority of the Synod members present at the meeting, the motion becomes a decision of the meeting; or
  - (b) if no such motion is put or, if such a motion is put, no such motion is passed in accordance with paragraph (a), a motion that the election be now held may be put and, if passed by the votes of a majority of the Synod members present at the meeting, the election of a candidate as Archbishop shall be held.

*Method of voting at election*

36. Voting at the election shall be by a series of secret ballots at the meeting and the following provisions apply:
- (a) The vote shall be taken by Houses;
  - (b) Each member is entitled to one vote;
  - (c) The vote shall be exercised by writing the name of one candidate on the voting paper;
  - (d) The **Regulation of Elections Act 1980** applies so far as applicable to voting under this section.

*Times of ballot*

s.36A inserted by No. 10/1992 and amended by No. 3/2000

36A (1) Except as provided in sub-section (2), a ballot must not be held outside the hours for which the meeting has been convened or, in the case of an adjourned meeting, outside the hours of meeting of which notice has been given to Synod members.

(1A) The chairman at his or her discretion may allow an interval of not more than 10 minutes after the declaration of the result of a previous ballot before a subsequent ballot is held.

(2) If not less than two-thirds of Synod members present at a time when a ballot may be held under sub-section (1) resolve that a ballot may be held at another time, a ballot may be held in accordance with that resolution.

*Bell to be rung*

s.36B inserted by No. 10/1992

36B A bell shall be rung or other audible signal sounded for at least one minute before a ballot is held.

*Election of candidate with two-thirds majorities*

s.37 amended by No. 10/1992

37 If, on a ballot, a candidate receives the votes of not less than two-thirds of the clerical members and not less than two-thirds of the lay members present at the meeting and the number of voting papers collected in the ballot is not less than one-half of the number of all clerical members and one half of the number of all lay members who were entitled to attend the meeting, the candidate is duly elected.

*Candidate with absolute majorities*

s.38 amended by No. 10/1992

38 If, on a ballot, section 37 does not apply but a candidate receives the votes of an absolute majority of the clerical members and an absolute majority of the lay members present at the meeting a ballot shall be held on the question that that candidate be elected.

*Second and subsequent ballots where no absolute majorities*

s.39 amended by Nos. 10/1992 and 3/2000

39 (1) If—

- (a) on a ballot no candidate receives absolute majorities; or
- (b) on a ballot on the question that a candidate who has received absolute majorities be elected, the candidate does not receive the votes of two-thirds of clerical members and two-thirds of lay members present at the meeting -

then—

- (c) where there are 6 or 5 candidates, the two candidates who received the lowest total number of votes on the last ballot between those candidates are eliminated and another ballot shall be held between the remaining candidates; or
- (d) where there are 4 or 3 candidates, the candidate who received the lowest total number of votes on the last ballot between those candidates is eliminated, and another ballot shall be held between the remaining candidates; or
- (e) where there are 2 candidates, the chairman shall put the motion that the election be recommitted; or
- (f) if paragraph (b) applies or there is otherwise only one candidate and a motion referred to in section 30(b)(i) or (iii) is not passed in accordance with

section 40, the chairman shall put the motion that the election be recommitted.

- (2) If a motion that the election be recommitted is passed by an absolute majority of clerical members and an absolute majority of lay members present at the meeting, the meeting shall again proceed to the election of one of the candidates in accordance with this Part.
- (2A) Before the meeting proceeds to the election of one of the candidates in accordance with sub-section (2), a motion may be put that the name of a candidate who received less than 10% of the total votes cast in the previous ballot in which the candidate was included be omitted from the list of candidates for the purposes of the election and, if the motion is passed by a majority of clerical members and a majority of lay members, the name of that candidate shall be omitted.
- (3) If, at a meeting that has not been adjourned under section 31 or 33, a motion that the election be recommitted is not passed by absolute majorities, a motion referred to in section 30(b)(i) or (iii) may be put.
- (4) If, at a meeting that has been adjourned under section 31 or 33, a motion that the election be recommitted is not passed by absolute majorities, a motion referred to in section 30(b)(iv) may be put.
- (5) If no motion put by reason of sub-section (3) is passed by absolute majorities, a motion that the election be recommitted or a motion referred to in section 30(b)(i) or (iii) may be put again and, if passed by the votes of a majority of the Synod members present at the meeting, the motion becomes a decision of the meeting.

- (6) If a motion put by reason of sub-section (4) is not passed by absolute majorities, the motion may be put again and, if passed by a majority of the Synod members present at the meeting, becomes a decision of the meeting.
- (7) If, at a meeting at which a motion may be put under sub-section (5) or (6), no such motion becomes a decision of the meeting, the chairman shall adjourn the meeting to a day and time not more than 10 days after the adjournment.
- (8) After the adjournment, the chairman shall put the motion that the election be re-committed.
- (9) If the motion put under sub-section (8) is passed by the votes of a majority of the Synod members present at the meeting, the meeting shall again proceed to the election of one of the candidates in accordance with this Part.
- (9A) Before the meeting proceeds to the election of one of the candidates in accordance with sub-section (9), a motion may be put that the name of a candidate who received less than 10% of the total votes cast in the previous ballot in which the candidate was included be omitted from the list of candidates for the purposes of the election and, if the motion is passed by a majority of clerical members and a majority of lay members, the name of that candidate shall be omitted.
- (10) If the motion put under sub-section (8) is not passed as mentioned in sub-section (9), and the meeting is not a meeting that has been adjourned under section 31 or 33, the chairman shall put the motion that the Board make new nominations to the meeting.
- (11) If the motion referred to in sub-section (10) is passed by the votes of a majority of the Synod members present at the meeting, the provisions of section 31 (a) to (d) apply.

(12) If -

- (a) the meeting is a meeting that has been adjourned under section 31 or 33 and the motion put under sub-section (8) is not passed as mentioned in sub-section (9); or
- (b) a motion put under sub-section (10) is not passed as mentioned in sub-section (11) -

the chairman shall declare the meeting dissolved and a postal ballot shall be conducted under section 15 for the election of a new Board to elect a clerk as Archbishop in accordance with Part 5.

*Where one candidate*

s.40 amended by No. 10/1992

40. (1) If, at any time, there is only one candidate, and the candidate—

- (a) does not receive the votes of absolute majorities; or
- (b) receives the votes of absolute majorities but, on a further ballot, does not receive the votes of two-thirds of clerical members and two-thirds of lay members present at the meeting—

a motion referred to in section 30(b)(i) or (iii) may be put.

- (2) If no motion put by reason of sub-section (1) is passed by absolute majorities, either of those motions may be put again and, if passed by the votes of a majority of the Synod members present at the meeting, the motion becomes a decision of the meeting.

*Voting figures must be disclosed*

41 Particulars of the voting at a ballot for the purposes of this Part shall be disclosed to the meeting.

*Determining numbers present*

s.41A inserted by No. 10/1992 and amended by No. 3/2000

- 41A (1) For the purposes of this Part but subject to sub-section (2), the number of clerical or lay members present at a meeting shall be taken, in relation to a ballot, to be the number of voting papers of clerical or lay members, as the case requires, that are collected in that ballot.
- (2) Sub-section (1) does not apply in relation to a ballot if, on a motion passed by a majority of Synod members present, a count has been taken for the purposes of the ballot of the clerical and lay members present.
- (3) If a count is taken for the purposes of a ballot and the number of votes cast in the ballot by clerical or lay members exceeds the number of clerical or lay members counted, the ballot is invalid.

## **Part 5 - Election by board**

### *Application of Parts 2 and 3*

- 42 Parts 2 and 3, so far as applicable, apply to the Board in carrying out the function of electing a clerk in full orders as Archbishop in accordance with a decision of a meeting of Synod members.

### *Two-thirds majorities required*

- 43 A decision of the Board to elect a clerk as Archbishop is not valid unless passed by not less than two-thirds of the clerical members of the Board and not less than two-thirds of the lay members of the Board.

### *Procedure where Board directed under Part 4 to elect Archbishop*

- 44 The Board shall forthwith upon making an election report the result to the Administrator.

*If Board unable to elect, new Board to be elected*

- 45 (1) If, when the Board is convened or reconvened under this Act—
- (a) the Board does not elect a clerk as Archbishop and report the result to the Administrator within—
    - (i) in the case of an existing Board that is reconvened, one month after being reconvened; or
    - (ii) in the case of a new Board, within three months after being convened; or
  - (b) at any time, not less than two-thirds of the members of the Board determine that the Board is unable to make an election and notify that inability in writing to the Administrator—
- the Board is dissolved.
- (2) If the Board is dissolved under this section, a postal ballot shall be conducted for the election of a new Board in accordance with section 15.
- (3) When the members of a new Board (and supplementary list) have been elected, the Administrator shall convene the Board and the provisions of this Act apply accordingly.

## **Part 6 - Confirmation by Bishops of Province**

*Election ineffective unless confirmed*

s.46 amended by No. 10/1992

- 46 An election of a clerk to be the Archbishop (whether by Synod members or the Board) is ineffective if—
- (a) the election is not, as to the canonical fitness of the person elected, confirmed by the Bishops of the Province or a majority of them as provided by Ordinance No. 1, session

1906 of the Provincial Synod as amended and in force for the time being; or

- (b) the clerk declines to accept the office.

*New Board to be convened if election ineffective*

s.47 amended by No. 8/1991

47. (1) If an election is ineffective -

- (a) the Board is dissolved; and  
(b) a postal ballot shall be conducted for the election of a new Board in accordance with section 15.

- (2) When the members of a new Board have been elected, the Administrator shall convene the Board and the provisions of this Act shall apply accordingly for the purposes of making new nominations to a meeting of Synod members.

Part VII repealed by No. 3/2000

\* \* \*

s.48 and 49 repealed by No. 3/2000

\* \* \*

NOTES

<sup>1</sup>The **Archbishop Election Act 1988** was assented to on 7 October 1988 and came into operation on that date.

<sup>2</sup>This reprint incorporates the amendments made to the **Archbishop Election Act 1988** by the following Acts:

| <b>Name</b>  | <b>No.</b> | <b>Date of assent</b> | <b>Date of commencement</b> |
|--|------------|-----------------------|-----------------------------|
| <i>Regulation of Elections (Amendment) Act 1991</i>          | 8/1991     | 18 October 1991       | 1 October 1992              |
| <i>Archbishop Election (Amendment) Act 1992</i>              | 10/1992    | 15 October 1992       | 15 October 1992             |
| <i>Archbishop Election (Amendment) Act 2000</i>              | 3/2000     | 23 October 2000       | 23 October 2000             |
| <i>Archbishop Election (Lay Synod Members) Act 2005</i>      | 2/2005     | 6 October 2005        | 6 October 2005              |
| <i>Diocesan Legislation (Revisions and Repeals) Act 2016</i> | 5/2016     | 15 December 2016      | 16 December 2016            |
| <i>Age Disqualification from Election (Repeal) Act 2015</i>  | 6/2016     | 15 December 2016      | 15 December 2016            |