

TABLE OF CONTENTS

Part 1 - Preliminary	1
1 Interpretation	1
2 Who are clerical and lay members of an election Synod.....	2
3 Alternate lay representative.....	4
Part 2- The boards	6
Division 1—Board of Nominators.....	6
4 Board of Nominators	6
5 Convening the Board of Nominators	6
Division 2—Board of Electors.....	6
6 Board of Electors	6
7 Election of Board of Electors	7
Division 3—Functioning of the boards.....	7
Subdivision 1—Membership, chairing and procedure	7
8 Eligibility	7
9 Vacancies.....	8
10 Appointment of chair and deputy chair.....	8
11 Chairing a board	9
12 Secretary of a board.....	9
13 Quorum and procedure of Board.....	9
Subdivision 2—Confidentiality and records	10
14 Confidentiality of board proceedings.....	10
15 Surrender and retention of records	10
Subdivision 3—Board members affected by conflict.....	11
16 Interpretation	11
17 Clerk under consideration by Board of Nominators	12
18 Clerk under consideration by Board of Electors.....	13
Part 3 – Nomination of candidates.....	14
19 Board to nominate candidates	14
20 Who can be a candidate.....	14
21 Names to be considered.....	15

Archbishop Election Act 2023

22 Consultation with the Bishops of the Province.....	16
23 Preparation of the list of candidates for the election Synod	16
24 When the Board of Nominators is required to bring a fresh list of candidates.....	16
Part 4 – Election Synods.....	18
Division 1—Application of Divisions 2, 3 and 4	18
25 Application of provisions to all election Synods	18
Division 2—Convening an election Synod	18
26 Convening the election Synod	18
27 The business and procedure of an election Synod.....	19
28 Meeting closed to public	20
29 Candidates not to be present	20
30 Chair of meeting.....	21
31 Report of Board of Nominators and information regarding candidates	21
32 Introduction of candidates.....	21
33 Debate preceding an election.....	22
Division 3—Balloting procedure.....	22
34 Definition	22
35 Method of voting at election	23
36 Times of ballot	24
37 Bell to be rung.....	24
38 Balloting cycles.....	24
39 Election of candidate with two-thirds majorities.....	25
40 Candidate with absolute majorities.....	25
41 Second and third balloting cycles where no absolute majorities.....	26
42 Procedure where no candidate elected after 3 balloting cycles	27
43 Procedure at an adjourned meeting.....	27
44 Where one candidate.....	29
45 Voting figures must be disclosed.....	30
Part 5 – Election by Board of Electors	31
46 Board of Electors to invite fresh nominations	31

Archbishop Election Act 2023

47 Three-quarters majorities required	31
48 Board of Electors to report result of an election	31
49 If Board of Electors unable to elect, new Board to be elected.....	31
Part 6 – Confirmation of election	33
50 Election ineffective unless confirmed	33
51 Screening authority.....	33
52 Relevant board to be reconvened if election ineffective.....	33

No. 2 of 2022

No. 268

Act reprinted as at 1 July 2024 with amendments to Act No. 2/2024

Archbishop Election Act 2022

AN ACT

to provide for the election of the Archbishop of Melbourne, to repeal the **Archbishop Election Act 1988** and for other purposes.

Part 1 - Preliminary

1 Interpretation

In this Act—

absolute majority in a ballot means a majority of those eligible to vote in the ballot, and ***absolute majorities*** in a ballot means a majority of those clerical members eligible to vote in the ballot and a majority of those lay members eligible to vote in the same ballot;

adjourned meeting means a meeting resumed after having been adjourned under section 42;

Administrator means Administrator of the Diocese;

Bishop of the Province means a Diocesan Bishop of the Province of Victoria;

board means the Board of Electors and the Board of Nominators;

candidate means a clerk whom the Board of Nominators has decided to nominate to an election Synod;

election Synod means a meeting convened under Part 4;

election Synod member means a person who is a clerical member of an election Synod or a lay member of an election Synod;

quorum in relation to an election Synod means one-half of the clerical members and one-half of the lay members.

2 Who are clerical and lay members of an election Synod

- (1) The clerical members of an election Synod are the clerks—
 - (a) who on the date before that election Synod when the See became vacant were licensed to a role, office or position in the Diocese;
 - (b) who hold a licence to a role, office or position in the Diocese at the date when the election Synod is convened; and
 - (c) whose licence is not suspended.
- (2) Subject to this section, the lay members of an election Synod are the lay persons who were at the last ordinary session before the See became vacant—
 - (a) lay representatives of parishes elected under the **Synod Act 1972**;
 - (b) lay persons referred to in section 5A(1) of the **Synod Act 1972**;
 - (c) lay members of Synod under section 5A(1A) of the **Synod Act 1972**; and
 - (d) lay representatives under section 5A(2), (4), (6), (7) or (8) of the **Synod Act 1972**; and
 - (e) the lay persons who are alternate lay representatives under section 3 until the

conclusion of the election Synod in respect of which they hold a certificate.

- (3) Despite subsection (2), a lay person is not a lay member of an election Synod during any time when—
- (a) they have ceased to be a communicant member;
 - (b) they have ceased to be on the parish roll of the parish for which they were the lay representative;
 - (c) having been a lay representative under section 5A(2), (4), (6), (7) or (8) of the **Synod Act 1972** they have ceased to be (respectively)—
 - (i) an electoral roll member of St Paul’s Cathedral Melbourne;
 - (ii) a member of the religious community that elected or appointed them;
 - (iii) a member of the non-parochial congregation that elected or appointed them;
 - (iv) a member of the Authorised Anglican Congregation that elected them; or
 - (v) a principal (however so designated) of a school listed as an Anglican school in the current Yearbook of the Diocese of Melbourne; or
 - (d) their seat is taken by an alternate lay representative certified under section 3.
- (4) A notice or other communication that may or must under this Act be given in writing may be given

by any medium that transmits words electronically.

3 Alternate lay representative

(1) If, after the Administrator convenes an election Synod under Part 4,—

(a) a lay member of that election Synod gives notice in writing to the clerk in charge of the parish (including of an entity or community referred to in section 5A(2), (4), (6) or (7) of the **Synod Act 1972**) 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 an election Synod member by reason of being a representative of the parish (including of an entity or community referred to in section 5A(2), (4), (6) or (7) of the **Synod Act 1972**) will be absent from the meeting; or

(ii) that the seat of such a lay person will be vacant —

the clerk must certify in writing to —

(c) a lay person who was an alternate lay representative of Synod under section 5 or 5A of the **Synod Act 1972** at the time of the dissolution of the last Synod; and

(d) the Administrator—

that—

- (e) the clerk has received the notice or has that knowledge and belief; and
 - (f) the lay person who was an alternate lay representative of Synod is a communicant member and—
 - (i) is on the electoral roll of the parish, Cathedral or Authorised Anglican Congregation that elected them; or
 - (ii) is a member of the religious community or non-parochial congregation that elected or appointed them.
- (2) If the clerk gives a certificate under subsection (1) not less than three and not more than thirty days before the commencement of the election Synod, the lay person to whom the certificate relates is a member of the meeting for the whole of that meeting.
- (3) In this section *clerk in charge of a parish* means, in the case of a parish, the vicar of the parish within the meaning of the **Parish Governance Act 2013** and includes the Dean of Melbourne, the superior of the religious community, the chaplain or other person having the care of the nonparochial congregation, or the priest in charge of an Authorised Anglican Congregation, as the case requires.

Part 2- The boards

Division 1—Board of Nominators

4 Board of Nominators

- (1) There is a Board of Nominators consisting of 9 clerks and 9 lay persons.
- (2) An election for the members of the Board of Nominators is to be conducted at the first session of each Synod.

s 5 am by Act No. 2/2024

5 Convening the Board of Nominators

- (1) The Registrar must convene the Board of Nominators 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 **Archbishopric Act 1980**.
- (2) If the Board has not been convened under subsection (1) before the See of the Archbishop becomes vacant, the Administrator must convene it immediately.

Division 2—Board of Electors

6 Board of Electors

- (1) A Board of Electors consists of 12 clerks and 12 lay members elected in accordance with section 7.
- (2) The members of the Board of Electors cease to be members when the Board is dissolved under section 49 or when the new Archbishop is installed.

7 Election of Board of Electors

Where, under this Act, a ballot is required to be conducted for the election of a Board of Electors, the Administrator must cause an election to be conducted as an electronic election under the **Regulation of Elections Act 1980**.

Division 3—Functioning of the boards

Subdivision 1—Membership, chairing and procedure

8 Eligibility

- (1) A person is not eligible to be elected as, or to continue to be, a clerical member of a board or to fill a vacancy in the office of a clerical member unless the person—
 - (a) holds a licence in the Diocese; 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 a board or to fill a vacancy as a lay member of a board unless the person—
 - (a) is—
 - (i) on the electoral roll of a parish, the Cathedral or an Authorised Anglican Congregation; or
 - (ii) a member of the religious community or non-parochial congregation referred to in section 5A(4) or (6) of the **Synod Act 1972**; and
 - (b) resides within the Diocese.

- (3) A person is not eligible to continue as a member of a board if they have not, when the board first meets, signed and provided to the Registrar the confidentiality statement referred to in section 14.

9 Vacancies

- (1) The office of member of a board is vacant if the member—
- (a) resigns by notice in writing given to the Archbishop, the Vicar General or the Administrator;
 - (b) being a clerk, ceases to be a clerk;
 - (c) being a lay person, ceases to be a lay person; or
 - (d) becomes a candidate.
- (2) A vacancy in office of a member occurring before a board first meets or that is otherwise required by this Act to be filled must 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.
- (3) A decision of a board is not invalid by reason only of a vacancy in the office of any of its members or by the temporary absence of any of its members in accordance with this Act.

10 Appointment of chair and deputy chair

- (1) The member of a board who is the clerk longest in full orders must chair the board until it elects one of its members to be the chair.

- (2) When a board is first convened it must before proceeding to any other business—
 - (a) elect one of its members to be the chair; and
 - (b) elect another of its members to be the deputy chair.

11 Chairing a board

A meeting of a board must be chaired by—

- (a) the chair; or
- (b) if the chair is not present, the deputy chair; or
- (c) if neither the chair nor the deputy chair is present, a member elected by the board.

12 Secretary of a board

- (1) A board may appoint a person, whether or not one of its members, to be its Secretary.
- (2) If the Secretary is not a member of the board, the Secretary—
 - (a) may be present at meetings of the board;
 - (b) except at the request of 12 members of the board, may not speak on any matter before the board; and
 - (c) may not vote.

13 Quorum and procedure of Board

- (1) The quorum of a 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 a board is in its discretion.

Subdivision 2—Confidentiality and records

14 Confidentiality of board proceedings

- (1) A member of a board must sign and provide to the Registrar a confidentiality statement before the first meeting of the board.
- (2) A person appointed as Secretary of a board (other than a member of the board who has already provided a confidentiality statement to the Registrar under subsection (1)) must sign and provide to the Registrar a confidentiality statement before performing any duties as Secretary of the board.
- (3) The Archbishop in Council may prescribe a form of confidentiality statement for the purposes of this section.
- (4) The confidentiality statement, in addition to any other provisions, must require each member of the board and the Secretary, upon request, to provide to the Secretary of the board or the Registrar all documents and records in their possession arising from the work of the board and to certify that any documents and records not so provided have been permanently destroyed.

15 Surrender and retention of records

- (1) Upon the installation of an Archbishop, the Secretary of a board must provide to the Registrar all the documents and records of the board.
- (2) Upon the election of a Board of Electors, the documents and records of the Board of

Nominators and of any former Board of Electors since the See last become vacant become documents and records of the Board of Electors.

- (3) The Registrar must retain permanently and securely all the documents and records received under subsection (1) and received pursuant to the confidentiality statement referred to in section 13.
- (4) A document or record retained under this section must not be made available to anyone for a period of 30 years from the date of the installation of the Archbishop to whose election it relates unless it is necessary to do so under the laws of the Commonwealth or a State or Territory, or for the purposes of any Canon of this Church or Act of this Synod.

Subdivision 3—Board members affected by conflict

16 Interpretation

In this subdivision—

affected board member means a member of a board who is a clerk under consideration or the immediate family member of a clerk under consideration; and

clerk under consideration means a clerk who is being considered as a candidate by the Board of Nominators or for election by the Board of Electors; and

relevant clerk under consideration means the clerk under consideration in relation to the affected board member.

17 Clerk under consideration by Board of Nominators

- (1) This section applies when a member of the Board of Nominators is an affected board member.
- (2) When this section applies, and there is only one affected board member and only one relevant clerk under consideration—
 - (a) the affected board member must not participate in any consideration of the relevant clerk under consideration and must not vote on any question in relation to that clerk until a decision has been taken under this subsection; and
 - (b) before any other clerk is proposed or considered, the Board of Nominators must decide whether to make the relevant clerk under consideration a candidate.
- (3) When this section applies and there are two or more affected board members or two or more relevant clerks under consideration—
 - (a) an affected board member must not participate in the consideration of any of the clerks under consideration and must not vote on any question in relation to any of those clerks until a decision has been taken under this subsection; and
 - (b) before any other clerk is proposed or considered, the Board of Nominators must decide in relation to each relevant clerk under consideration whether to make them a candidate.

- (4) Where the Board of Nominators has decided not to make a relevant clerk under consideration a candidate and, where subsection (3) applies, has made all the decisions required by that subsection, the board member who was an affected board member in relation to that relevant clerk under consideration ceases to be an affected board member.
- (5) Where the Board of Nominators decides to make a relevant clerk under consideration a candidate, the affected board member is ineligible to participate in any way as a member of the Board of Nominators until—
 - (a) the election of a Board of Electors;
 - (b) the relevant clerk under consideration gives notice in writing to the chair of the Board of Nominators that they are no longer willing to be a candidate; or
 - (c) the installation of a new Archbishop.

18 Clerk under consideration by Board of Electors

- (1) This section applies when a member of the Board of Electors is an affected board member.
- (2) When this section applies, the relevant clerk under consideration must be invited by the chair of the Board of Electors or its Secretary to state whether they are willing to be considered for election as the Archbishop.
- (3) Unless within seven days the relevant clerk under consideration has given notice to the chair of the Board of Electors or its Secretary that they are not willing to be considered for election as the

Archbishop, the affected board member ceases to be a member of the Board of Electors and their office becomes vacant.

Part 3 – Nomination of candidates

19 Board to nominate candidates

The Board of Nominators must decide on a list of not less than two, and not more than six, candidates.

20 Who can be a candidate

- (1) A candidate must be a clerk in full orders.
- (2) A decision to include the name of a clerk on the list of candidates must be supported by a majority of clerical members of the Board and a majority of the lay members of the Board.
- (3) Before deciding to include the name of a clerk on the list of candidates, the Board must obtain—
 - (a) the clerk's written consent to being a candidate; and
 - (b) a report under subsection (6).
- (4) A clerk who does not consent to being a candidate cannot be a candidate.
- (5) A candidate who withdraws their consent to being a candidate by notice in writing to the Archbishop, the Vicar General or the Administrator immediately ceases to be a candidate.

Subs (6) am and note added Act No. 2/2024

- (6) At the request of the Board, the Episcopal Standards Committee must undertake to the fullest extent reasonably possible the assessments

referred to in clause 4(2) of the Second Schedule to the Safe Ministry to Children Canon 2017 or required by secular law and report the outcome of those assessments to the Board.

Note: Compliance with this section and the law of the church may not be sufficient to achieve compliance with secular law in relation to how child safety and wellbeing is addressed in the recruitment process.

21 Names to be considered

- (1) When the Board of Nominators is convened or reconvened, the Registrar must inform each Election Synod member in writing that they may submit names of clerks to the Board for its consideration in settling the list of nominations.
- (2) A notice under subsection (1) must state the date by which names are to be submitted, being a date not more than 30 days after the Board has first met after being convened or reconvened.
- (3) The name of a clerk is to be submitted by giving it to the chair or deputy chair of the Board in the manner specified in the notice.
- (4) In deciding on the list of candidates, the Board—
 - (a) must consider clerks whose names are submitted by ten or more election Synod members under subsection (3); and
 - (b) may consider other clerks whose names are submitted to the Board by a member of the Board, by an election Synod member or by any other person.

22 Consultation with the Bishops of the Province

Before deciding on the list of candidates the Board of Nominators must consult in a manner determined by the Board with the Bishops of the Province.

23 Preparation of the list of candidates for the election Synod

- (1) The Board of Nominators must settle the list of candidates not sooner than 6 weeks after the date of its first meeting and not later than the day before the day on which an election Synod commences.
- (2) The Board must prepare an information statement about each candidate.
- (3) The Board must present the candidates in alphabetical order by surname.
- (4) This section does not prevent the Board from presenting information about the candidates in any other manner it considers appropriate.

24 When the Board of Nominators is required to bring a fresh list of candidates

- (1) If pursuant to section 43(6) or 44(6) the Board of Nominators is to bring a fresh list of candidates—
 - (a) the election Synod stands adjourned until a day to be fixed by the Administrator;
 - (b) the Board of Nominators is deemed to have been reconvened;
 - (c) a member of the Board of Nominators continues as a member of the reconvened Board;

- (d) any vacancies on the Board must be filled in accordance with Part 2 before the Board first meets after being reconvened; and
 - (e) the Board must proceed in accordance with this Part to decide on a list of not less than two, and not more than six, candidates.
- (2) In deciding on the list of candidates under subsection (1), the Board may include a clerk who was a candidate in the previous election, unless that clerk was elected and their election was ineffective under section 50.

Part 4 – Election Synods

Division 1—Application of Divisions 2, 3 and 4

25 Application of provisions to all election Synods

Divisions 2, 3 and 4 of this Part with any necessary modifications apply both to an election Synod convened to consider candidates nominated by the Board of Nominators for the first time and an election Synod to consider candidates nominated by the Board of Nominators pursuant to section 24.

Division 2—Convening an election Synod

26 Convening the election Synod

- (1) When the See has become vacant, and after consulting the Chair of the Board of Nominators, the Administrator must convene an election Synod.
- (2) If the See became vacant on the Archbishop attaining the age of 70 years or resigning after giving at least 2 months' notice to the date of resignation, the election Synod must be convened for a date between one and six months from the date on which the See became vacant.
- (3) If the See became vacant in a manner not described in subsection (2), the meeting must be convened for a date between three and six months from the date on which the See became vacant.
- (4) The meeting must be convened for at least two specified days, which may not include a Sunday.
- (5) A meeting convened on Monday to Friday may not be convened to meet before 6pm, and a meeting

convened on Saturday may not be convened to meet before 10am.

- (6) Election Synod members must be given notice of the dates, times and place or places of an election Synod convened under this section at least 30 days before the first day specified under subsection (4).
- (7) If a quorum is not present within 60 minutes from the time in the notice convening the meeting, the meeting must be abandoned and the Administrator must convene a fresh meeting for the purposes of this section.
- (8) Where a fresh meeting is convened under subsection (7), the first date of meeting must be not more than 30 days after the date of the meeting in the original notice, and election Synod members must be given at least 7 days' notice of the date, time and place of meeting.
- (9) If a quorum is not present within 60 minutes from the time in the notice of meeting given under subsection (8), the meeting must be abandoned and a Board of Electors elected in accordance with Part 5.

27 The business and procedure of an election Synod

- (1) The business of the meeting is the election of an Archbishop in accordance with this Part.
- (2) Subject to this section, the business of an election Synod must be conducted according to the standing orders of Synod so far as they are applicable and are not inconsistent with this Act, as if the meeting were a meeting of Synod.

- (3) The standing orders that are to be followed do not include any standing order enabling members to require a vote by Houses.
- (4) An election Synod may adopt sessional orders at the commencement of the meeting.

28 Meeting closed to public

A meeting of election Synod members convened under this Part is to be closed to the public and may be attended only by—

- (a) election Synod members;
- (b) members of the Board of Nominators who are not election Synod members;
- (c) the Secretary to the Board of Nominators if they are not an election Synod member; and
- (d) such assistants as the Registrar of the Diocese thinks necessary for the proper conduct of the meeting.

29 Candidates not to be present

- (1) Subject to this section, a clerk may not be present at, or participate in any way in the business of, an election Synod at any time when they are a candidate.
- (2) Subsection (1) does not prevent a clerk from participating in an election Synod as part of a presentation of information regarding all candidates that the Board of Nominators has considered appropriate under section 23(4).

30 Chair of meeting

- (1) Before a meeting is convened the Administrator and the chair of the Board of Nominators must decide who is to be nominated to chair the election Synod.
- (2) At the commencement of the election Synod the most senior Archdeacon (in order of most recent collation) who is not a candidate is to take the chair and put the motion that the person nominated as chair under subsection (1) be appointed to chair the election Synod.
- (3) The person appointed under subsection (2) is the chair of the meeting.

31 Report of Board of Nominators and information regarding candidates

- (1) The Chair of the Board of Nominators, or another member nominated by the Board, may report to the meeting on the proceedings of the Board.
- (2) A copy of the Board's list of candidates must be given to each Election Synod member at the meeting, together with the Board's information statements on each candidate.
- (3) A report under sub-section (1) may be in writing and accompany the list and information statement given under subsection (2).

32 Introduction of candidates

- (1) The Board of Nominators must introduce each candidate.

- (2) Following the introduction of a candidate, election Synod members (other than members of the Board of Nominators) may address the meeting regarding that candidate.
- (3) The time for addresses in relation to any one candidate under subsection (2) must not exceed 60 minutes.

33 Debate preceding an election

- (1) When all the candidates have been introduced and the addresses provided for in section 32 have concluded, the chair must inform the meeting that a motion may be put that there be debate on the merits of the various candidates and, if the motion is passed by a majority of election Synod members present, such a debate may be held for not more than 30 minutes.
- (2) A debate on the merits of the various candidates under subsection (1) may be extended, or further extended, by resolution of a majority of election Synod members present for a period, or further period, not exceeding 30 minutes but the total period of the debate must not exceed 90 minutes.
- (3) At the end of the debate (if any) provided for in this section, the meeting must proceed to an election.

Division 3—Balloting procedure

34 Definition

In this Division *balloting cycle* means the series of ballots provided for in sections 35 to 40.

35 Method of voting at election

- (1) Voting in an election is by a series of secret ballots.
- (2) In any ballot—
 - (a) the vote is to be taken by Houses;
 - (b) each present member is entitled to one vote; and
 - (c) the vote is to be exercised by writing the name of one only candidate on the voting paper or signifying support for one only candidate in an electronic ballot.
- (3) In determining the number of votes received by a candidate a vote is to be treated as received by that candidate only if it positively supports the election—
 - (a) of that candidate; and
 - (b) only of that candidate.
- (4) In determining the proportion of votes received by a candidate the number of members present is—
 - (a) in a meeting that is solely in person, the number of members physically present at the time of the ballot; or
 - (b) in a meeting that is solely by videoconference, the number of members who are participants in the videoconference at the time of the ballot; or
 - (c) in a meeting that is both in person and by videoconference, the number of members physically present and who are participants

in the videoconference at the time of the ballot.

- (4) The **Regulation of Elections Act 1980** applies so far as is possible to voting under this section.

36 Times of ballot

- (1) Except as provided in subsection (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 election Synod members.
- (2) The chair has the discretion to 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.
- (3) If not less than two-thirds of election Synod members present at a time when a ballot may be held under subsection (1) resolve that a ballot may be held at another time, a ballot may be held in accordance with that resolution.

37 Bell to be rung

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

38 Balloting cycles

- (1) In a balloting cycle, subject to sections 39 and 40—
- (a) where there are 6 or 5 candidates, the two candidates who received the lowest total number of votes on the last ballot are

- eliminated and another ballot is then held between the remaining candidates; or
- (b) where there are 4 or 3 candidates, the candidate who received the lowest total number of votes on the last ballot is eliminated, and another ballot is held between the remaining candidates; or
 - (c) where there are 2 candidates, the ballot is held between those two candidates.
- (2) At the start of every balloting cycle, all the candidates on the list provided by the Board under section 31(2) are candidates in that balloting cycle unless—
- (a) they have withdrawn or otherwise become unavailable as candidates; or
 - (b) a motion has been carried under section 41(2) that their name be omitted during that balloting cycle.

39 Election of candidate with two-thirds majorities

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 members present at the meeting is not less than one-half of the number of all clerical members and one half of the number of all lay members, the candidate is duly elected.

40 Candidate with absolute majorities

- (1) Subject to this section, if, on any ballot during a balloting cycle, section 39 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 must be held immediately on the question that that candidate be elected.

- (2) If on a ballot under subsection (1) the 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 members present at the meeting is not less than one-half of the number of all clerical members and one half of the number of all lay members, the candidate is duly elected.
- (3) This section applies in relation to any particular candidate only once during any balloting cycle,

Example:

If in the 2nd round of voting candidate A receives 55% of the votes in both Houses, there must immediately be a ballot under subsection (1). If candidate A is not elected, but receives 58% of the votes in both House in the 3rd round of voting in that balloting cycle, there will not be a further ballot under subsection (1). However, if in 3rd round candidate B received 55% of the votes in both Houses, there would be a ballot under subsection (1) in relation to candidate B.

41 Second and third balloting cycles where no absolute majorities

- (1) If at the end of the first or second balloting cycles no candidate has been elected there must be a fresh balloting cycle.
- (2) Before the meeting proceeds to a fresh balloting cycle, a motion may be put that the name of a candidate who received less than 10% of the total votes cast in any ballot in the last balloting cycle 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 must be omitted in that fresh balloting cycle.

42 Procedure where no candidate elected after 3 balloting cycles

- (1) If after three balloting cycles a candidate has not been elected Archbishop, the chair must move from the chair that there be a fourth balloting cycle.
- (2) A motion under subsection (1) may not be debated.
- (3) If the motion is carried by a majority of members present and voting, one further balloting cycle is to be conducted.
- (4) If—
 - (a) the motion is not carried; or
 - (b) the motion is carried and no candidate is elected Archbishop in the fourth balloting cycle—

the meeting is to be adjourned for a period of not less than 7 or more than 21 days.

- (5) The Administrator must give notice to every clerical member and every lay member of the place, date and time of the adjourned meeting.

43 Procedure at an adjourned meeting

- (1) At the commencement of an adjourned meeting there is to be a period of not more than 60 minutes discussion moderated by the chair.

- (2) Following any discussion under subsection (1) there is to be a fifth balloting cycle.
- (3) If through the fifth balloting cycle a candidate has not been elected Archbishop, the chair must move from the chair that there be a sixth balloting cycle.
- (4) A motion under subsection (3) may be debated for a period of not more than 30 minutes.
- (5) If the motion is carried by a majority of members present and voting, one further balloting cycle is to be conducted.
- (6) Subject to subsection (7), if—
 - (a) the motion is not carried; or
 - (b) the motion is carried and no candidate is elected Archbishop in the sixth balloting cycle—

the meeting stands adjourned indefinitely and the Board of Nominators is to bring fresh nominations.

- (7) If at an election Synod convened to consider fresh nominations brought by the Board of Nominators under subsection (6) or section 44(6)—
 - (a) the motion is not carried; or
 - (b) the motion is carried and no candidate is elected Archbishop in the sixth balloting cycle—

the chair must declare that the meeting dissolved and that a Board of Electors is to be elected.

44 Where one candidate

- (1) This section applies at any time when, if a fresh balloting cycle were to be commenced, there would be only one candidate before the election Synod.
- (2) Where this section applies, a ballot must be conducted forthwith under section 40.
- (3) If the candidate is not elected Archbishop in the ballot conducted pursuant to subsection (2), the chair must move from the chair that there be a further ballot under section 40.
- (4) A motion under subsection (3) may be debated for a period of not more than 30 minutes.
- (5) If the motion is carried by a majority of members present and voting, one further ballot is to be conducted under section 40.
- (6) Subject to subsection (7), if—
 - (a) the motion is not carried; or
 - (b) the motion is carried and the candidate is not elected Archbishop—the meeting is to be adjourned indefinitely and the Board of Nominators is to bring fresh nominations.
- (7) If the meeting is a meeting of an election Synod convened to consider fresh nominations brought by the Board of Nominators under section 43(6) or subsection (6) and—
 - (a) the motion is not carried; or
 - (b) the motion is carried and the candidate is not elected Archbishop—

the chair must declare that the meeting dissolved
and that a Board of Electors is to be elected.

45 Voting figures must be disclosed

The meeting must be informed immediately of the details
of every ballot conducted under this Part.

Part 5 – Election by Board of Electors

46 Board of Electors to invite fresh nominations

Sections 21 and 22 apply to the Board of Electors as if a reference in those sections to the Board of Nominators was a reference to the Board of Electors.

47 Three-quarters majorities required

- (1) A decision of the Board of Electors to elect a clerk as Archbishop is not valid unless passed by not less than three-quarters of the clerical members of the Board and not less than three-quarters of the lay members of the Board.
- (2) The Board of Electors may not elect a clerk who has been previously elected since the See became vacant and whose election was ineffective.

48 Board of Electors to report result of an election

The Board of Electors must immediately inform the Administrator when it has elected an Archbishop.

49 If Board of Electors unable to elect, new Board to be elected

- (1) If, when the Board of Electors 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 twelve months; 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.

Note:

The expression “reconvened” in this subsection includes being reconvened under section 51.

- (2) If the Board is dissolved under this section, a ballot must be conducted under section 7 for the election of a new Board.
- (3) When the members of a new Board (and supplementary list) have been elected, the Administrator must convene the Board and the provisions of this Act apply accordingly.

Part 6 – Confirmation of election

50 Election ineffective unless confirmed

An election of a clerk to be the Archbishop (whether by an election Synod or the Board of Electors) is ineffective if—

- (a) the Bishops of the Province or a majority of them fail to confirm the canonical fitness of the person elected as provided by Ordinance No. 1, session 1906 of the Provincial Synod as amended and in force for the time being;
- (b) the clerk is unable for any reason to satisfy the legal requirements applicable to the office under the law of this Church or the law of the Commonwealth or the State of Victoria;
- (c) the clerk has not for any reason been installed as Archbishop within twelve months; or
- (d) the clerk declines to accept the office.

51 Screening authority

The function of the election Synod and of the Board of Electors as a screening authority within the meaning of the Safe Ministry to Children Canon 2017 is delegated to the Episcopal Standards Committee.

52 Relevant board to be reconvened if election ineffective

If an election is ineffective—

- (a) if the election was by an election Synod, the Board of Nominators is to be reconvened as if section 43(6) applied; and
- (b) if the election was by a Board of Electors, that Board of Electors is to be reconvened.

Archbishop Election Act 2023

Part 7 repealed on 18 October 2023 by s 57 of Act as passed.

* * * * *

Notes:

1. The Act was passed by the Synod on 15 October 2022 and received the assent of the Archbishop on 18 October 2022.

2 This reprint incorporates the amendments made to the **Archbishop Election Act 2022** by the following Act:

Name	No.	Date of assent	Date of commencement
<i>Archbishopric Legislation Amendment Act 2024</i>	2/2024	4 June 2024	4 June 2024

ANGLICAN DIOCESE OF MELBOURNE

Archbishop Election Act 2022

ARCHBISHOP ELECTION (CONFIDENTIALITY
STATEMENTS) REGULATIONS 2024

1. Title

These regulations may be cited as the Archbishop Election (Confidentiality Statements) Regulations 2024.

2. Authorizing provisions

These regulations are made under section 14 of the **Archbishop Election Act 2022**.

3. Commencement

These regulations come into effect on the day on which they are made.

4. Form of confidentiality statements

The form of confidentiality statement for the purposes of section 14(1) of the Act is in Schedule 1 and the form of confidentiality statement for the purposes of section 14(2) of the Act is in Schedule 2.

SCHEDULE 1

CONFIDENTIALITY STATEMENT FOR MEMBERS OF THE BOARD OF NOMINATORS AND BOARD OF ELECTORS

I [*insert full name*] am a member of the Board of [*Nominators/Electors*] of the Anglican Diocese of Melbourne to be convened in [*year*] (“**the Board**”).

1. I acknowledge that as a member of the Board I am a member of a committee that has a duty to undertake careful and full enquiries in relation to anyone being considered for election as Archbishop of Melbourne and to provide the security of confidentiality to anyone under consideration.
2. As required by the **Archbishop Election Act 2022** and in order to protect the confidentiality of the work of the Board and of those who may be considered for nomination to the Synod of the Diocese of Melbourne for election as Archbishop of Melbourne, I agree that I will—
 - (a) keep secret the work of the Board;
 - (b) keep secret and secure any documents associated with the work of the Board;
 - (c) if there is established for the use of the Board a secure electronic site for the saving, distribution or editing of documents, use only that site for those purposes (except to the extent that might be otherwise agreed by the Board);
 - (d) send and receive emails relating to the work of the Board using only an email address that is not used or accessed by anyone else (other than another member of the Board);
 - (e) not provide to anyone any information that could identify who is or has been, or who has not been, considered by the Board for nomination to the Synod for election as Archbishop; and
 - (f) not provide to anyone information about what another member of the Board has said or not said.
3. I acknowledge and note as exceptions to these requirements—
 - (a) the Chair, Deputy Chair or Secretary of the Board may from time to time make public statements about the work of the Board using text that has been agreed by the Board;

- (b) the Chair, Deputy Chair or Secretary of the Board may from time to time provide information to the Registrar, the Administrator of the Diocese, and any prospective chair of an election Synod to the extent necessary to give effect to the provisions of the Act and to facilitate its purposes;
 - (c) information may be provided for the purposes of meeting the requirements of Synod legislation or secular law;
 - (d) information, whether confidential or not, that could not be provided under paragraph 2 may nevertheless be provided to a person engaged in a manner required by the Archbishop in Council by the Registrar of the Diocese of Melbourne at the request of the Board;;
 - (e) information may be given by the Secretary at the direction of the Chair or Deputy Chair to a Board of Electors convened before the installation of the next Archbishop, and information may be given by me to a Board of Electors of which I am a member convened before the installation of the next Archbishop.
4. I acknowledge the continuing duty I share with all the members of the Board (i) to treat those being considered for nomination or election fairly; and (ii) to be honest with the other members of the Board about information that is material about a person being considered. Information is material if it would influence the judgment of the Board in determining whether to nominate the person as a candidate for election. Accordingly:
- (a) I will not undertake research into a person being considered for nomination or election, except when asked to do so on behalf of the Board or where the research is confined to information that is publicly available;
 - (b) I will not undertake formal or informal reference checks on a person being considered for nomination or election, except when asked to do so on behalf of the Board; and
 - (c) if I already have information or come into possession of information (whether through private or publicly available sources) about a person being considered for nomination or election and that information is material and may not be known to other members of the Board and might affect the person's suitability, I will (subject to all just and lawful exceptions) share that information promptly with the rest of the Board.

Legislation of the Anglican Diocese of Melbourne

ARCHBISHOP ELECTION (CONFIDENTIALITY STATEMENTS) REGULATIONS 2024

5. I acknowledge that I am required, upon request, to provide to the Secretary of the Board or the Registrar of the Diocese of Melbourne all documents and records in my possession arising from the work of the Board and to certify that any such documents and records not so provided have been permanently destroyed.

6. I also acknowledge that the commitments and obligations in this statement that relate to the secrecy and security of information continue for a period of 30 years from the date on which I signed it.

Signed:

Dated:

Witness:

SCHEDULE 2

CONFIDENTIALITY STATEMENT FOR SECRETARY TO THE BOARD OF NOMINATORS OR BOARD OF ELECTORS

I [*insert full name*] am Secretary to the Board of [*Nominators/Electors*] of the Anglican Diocese of Melbourne to be convened in [*year*] (“**the Board**”).

1. I acknowledge that that the Board has a duty to undertake careful and full enquiries in relation to anyone being considered for election as Archbishop of Melbourne and to provide the security of confidentiality to anyone under consideration.
2. As required by the **Archbishop Election Act 2022** and in order to protect the confidentiality of the work of the Board and of those who may be considered for nomination to the Synod of the Diocese of Melbourne for election as Archbishop of Melbourne, I agree that I will—
 - (a) keep secret the work of the Board;
 - (b) keep secret and secure any documents associated with the work of the Board;
 - (c) if there is established for the use of the Board a secure electronic site for the saving, distribution or editing of documents, use only that site for those purposes (except to the extent that might be otherwise agreed by the Board);
 - (d) send and receive emails relating to the work of the Board using only an email address that is not used or accessed by anyone else;
 - (e) not provide to anyone any information that could identify who is or has been, or who has not been, considered by the Board for nomination to the Synod for election as Archbishop; and
 - (f) not provide to anyone information about what a member of the Board has said or not said.
3. I acknowledge and note as exceptions to these requirements—
 - (a) the Chair, Deputy Chair or Secretary of the Board may from time to time make public statements about the work of the Board using text that has been agreed by the Board;

- (b) the Chair, Deputy Chair or Secretary of the Board may from time to time provide information to the Registrar, the Administrator of the Diocese, and any prospective chair of an election Synod to the extent necessary to give effect to the provisions of the Act and to facilitate its purposes;
 - (c) information may be provided for the purposes of meeting the requirements of Synod legislation or secular law;
 - (d) information, whether confidential or not, that could not be provided under paragraph 2 may nevertheless be provided to a person engaged in a manner required by the Archbishop in Council by the Registrar of the Diocese of Melbourne at the request of the Board;
 - (e) information may be given by me at the direction of the Chair or Deputy Chair of the Board to a Board of Electors convened before the installation of the next Archbishop.
4. I acknowledge that I am required at the conclusion of my term as Secretary to provide to the Registrar all documents and records in my possession arising from the work of the Board and to certify that any such documents and records not so provided have been permanently destroyed.
5. I also acknowledge that the commitments and obligations in this statement that relate to the secrecy and security of information continue for a period of 30 years from the date on which I signed it.

Signed:

Dated:

Witness:

Legislation of the Anglican Diocese of Melbourne

ARCHBISHOP ELECTION (CONFIDENTIALITY STATEMENTS) REGULATIONS 2024

Note:

These regulations were made on 20 June 2024 and came into operation on that date.