

No. 6 of 1980.

Serial No. 107

Reprinted as at 1 July 2024 incorporating amendments up to No.2/2024<sup>2</sup>

## **Archbishopric Act 1980**

### AN ACT

to provide for the appointment of Archbishops of the Metropolitan Diocese of Melbourne and for the performance of certain duties of an Archbishop during vacancies of the See, and to provide for Archbishops who shall be superannuated and for those purposes to amend and re-enact the **Melbourne Archbishopric Act 1906-1962** and the **Archbishops' Superannuation Act 1972**.

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Church of England in Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

#### *Short title*

s 1 am No 2/2024

1 This Act may be cited as the **Archbishopric Act 1980**.

#### *Interpretation*

s 1A ins No 1/2022

1A. In this Act ***Assistant Bishop*** means a bishop holding office as an assistant bishop under Part 2 of the **Clergy Act 2022**.

ss 2 – 4 repealed by No.2/1988

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#### *Vacancy of See of Archbishop at age 70*

s 5 am Nos 2/2015, 2/2024

5 The Archbishop ceases to hold the office of Archbishop on the earlier of—  
(a) the day after the date on which the Archbishop attains the age of 70 years; and

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- (b) the date on which the Archbishop resigns as a director of the Diocesan Corporation.

*Resignation of Archbishop*

s 6 am No 2/2024

6 An Archbishop who desires to resign the See forthwith or on a date within the next following six months shall –

- (a) give to the Senior Bishop of the Province notice in writing of that desire and of the date upon which that resignation is to take effect; and
- (b) give a copy of that notice to the Registrar of the Diocese—

and the See of the Archbishop becomes vacant on the date specified in that notice.

ss 7 – 9 repealed by No.2/1988

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*Steps required to give effect to election*

s 10 am 2/2022

10 Upon an election having been made and confirmed, and following the assessment of the Episcopal Standards Committee in performing the functions of the screening authority under the Safe Ministry to Children Canon 2017, the Chancellor, the Vicar General or Administrator, as the case may be, shall forthwith take the necessary steps for the purpose of giving effect to the election in accordance with the rules for the election of a Metropolitan of the Province of Victoria for the time being in force in the Diocese of Melbourne and in accordance with the rules for the consecration of Bishops made by the General Synod for the time being in force in that Diocese.

ss 11 – 14 repealed by No.2/1988

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*Powers of the Archbishop*

s 15 am Nos 2/2015, 4/2024

- 15 (1) An Archbishop of Melbourne once installed shall subject to all Acts of this Synod be a Bishop within the meaning of **The Church Constitution Act** and of **The Church Constitution Amendment Act** and of **The Church of England in Australia Constitution** and shall have and may exercise all powers and authorities which Bishops of the Church of England may lawfully exercise within their Dioceses and shall be for all purposes the successor of the last preceding Archbishop.
- (2) The powers and authorities of the Archbishop include the power and authority to license a clerk to any role, office or position in the Diocese and, subject to any Act of this Synod in relation to any such role, role or position, to appoint and remove that clerk and to direct the manner in which the functions and responsibilities of that role, office or position are to be discharged.

*Powers of Commissary, &c., during the absence of the Archbishop*

s 16 am Nos. 5/2016, 2/2024

- 16 During the absence of the Archbishop from the See or during any period which may be proposed by the Archbishop and agreed to by the Council of the Diocese:
- (a) Every person appointed Vicar-General or Commissary by the Archbishop by writing under the hand and seal of the Archbishop and registered in the Registry of the Diocese shall and may until such appointment shall be revoked and its revocation registered as aforesaid use exercise do and perform from time to time all such authorities powers and acts as are hereinafter described as belonging to the office of Administrator except as

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may be otherwise provided in the instrument of appointment.

- (b) If no Vicar-General or Commissary shall have been appointed as aforesaid or having been so appointed has died resigned or become incapable or unwilling to act then the said authorities power and acts shall and may be used exercised done or performed during such absence by the senior Assistant Bishop of the Diocese of Melbourne able and willing to act.

*Administration during vacancy of See*

s 17 am No. 5/2016

- 17 During the vacancy of the See the said Vicar-General or Commissary appointed as aforesaid (if any) or if there be no such person holding a commission as aforesaid then living and capable and willing to act as aforesaid the senior Assistant Bishop of the Diocese of Melbourne able and willing to act shall be the Administrator of the Diocese within the meaning of this Act until a new Archbishop of the See shall have been installed.

s 18 rep by 1/2018

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*Rights, powers, &c., of Administrator*

- 19 Subject to Act No. 45 of 1854 of the Parliament of the State of Victoria known as the Church Constitution Act 1854 during the vacancy of the See the Administrator shall administer the affairs of the Diocese in accordance with the Acts Resolutions and Regulations of Synod and shall and may use exercise do and perform from time to time *MUTATIS MUTANDIS* all and every the authorities powers acts matters and things whatsoever which the Archbishop is or may be empowered or required to use exercise do or perform by virtue of any Act or Acts of Synod heretofore or hereafter to be passed and every

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authority power matter or thing so used exercised done or performed by such Administrator shall be as good and effectual to all intents and purposes as if the same had been used exercised done or performed by the Archbishop.

*Further powers, &c.*

20 During the vacancy of the See the Administrator shall do and perform (subject to the Acts Resolutions and Regulations of Synod in force for the time being) all such acts matters and things not provided for by such Acts Resolutions and Regulations as may be necessary in the opinion of the Council of the Diocese for the efficient management of the affairs of the said Diocese. Any person holding at the time of the occurrence of such vacancy any office terminable upon the happening of such event may unless removed by competent authority hold the same and continue to perform duties thereof until a new Archbishop shall have been installed.

s 21 am No. 5/2016, repealed by No. 2/2024

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ss 22 and 23 repealed by No. 2/2024

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ss 24 – 26 repealed by No.7/1992

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*Interpretation*

27 (1) In this Act, ***Bishop of the Province*** means Diocesan Bishop of the Province of Victoria.

(2) For the purposes of this Act, the seniority of Bishops of the Province or of Coadjutor Bishops shall be determined by the date of consecration.

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NOTES

1 The **Melbourne Archbishopric Act 1980** was assented to on 9 October 1980 and came into operation on 9 October 1980.

2 This reprint incorporates the amendments made to the **Melbourne Archbishopric Act 1980** by the following Acts:

<b>Name</b>	<b>No.</b>	<b>Date of assent</b>	<b>Date of commencement</b>
<i>Archbishop Election Act 1988</i>	2/1988	7 October 1988	7 October 1988
<i>Melbourne Archbishopric (Superannuation) Act 1992</i>	7/1992	15 October 1992	15 October 1992
<i>Melbourne Anglican Diocesan Corporation (Transition and Consequential Amendments) Act 2015</i>	2/2015	23 July 2015	On the date when ss 9 and 10 of the Melbourne Anglican Diocesan Corporation Act 2015 came into force
<i>Diocesan Legislation (Revision and Repeals) Act 2016</i>	5/2018	15 December 2016	16 December 2016
<i>Financial Governance Act 2018</i>	1/2018	24 October 2018	1 January 2019 (except s 16)
<i>Archbishop Election Act 2022</i>	2/2022	18 October 2022	18 October 2022
<i>Clergy Act 2022</i>	1/2022	18 October 2022	1 March 2023
<i>Archbishopric Legislation Amendment Act 2024</i>	2/2024	4 June 2024	4 June 2024