

ARCHBISHOP'S STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled:

PART 1 – PRELIMINARY

1 Short Title

1.1 This statute shall be cited as the "Archbishop's Statute 2016".

2 Repeal

2.1 The Perth Archbishopric Statute 1978, the Assistant Bishop's Statute 2007 and the Bishop's Entry of Churches Statute are hereby repealed.

3 Interpretation

3.1 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute, except that for the purposes of this Statute the words and phrases listed hereunder have the meanings given as follows:

Administrator means the person appointed under section 11.1;

Archbishop means the archbishop of the Diocese elected in accordance with this Statute;

Archbishop Election Committee or **Committee** has the meaning given in section 5.1;

archdeacon means a person appointed under section 14.1;

assistant bishop means a person appointed under section 13.2;

Chancellor means the person appointed under section 12.1;

Diocese means the Diocese of Perth;

Diocesan Council means the body constituted by the Diocesan Council Statute 1888;

Diocesan Registrar means the person appointed under section 15.1;

Metropolitan means the bishop exercising the authorities, powers, rights and duties of the metropolitan of the Province of Western Australia;

national register means the national register established pursuant to the National Register Canon 2007 of the General Synod of the Anglican Church of Australia or any canon prescribed by General Synod in substitution for that canon;

Primate has the meaning given in the Constitution of the Anglican Church of Australia;

probity checks means all of the background checks referred to in section 7.3; and

Provincial Council means the council established by the Constitution of the Province of Western Australia 1914-1986.

- 3.2 The provisions of this Statute are subject to, and are to be read in conjunction with, the provisions of the Canon concerning Holy Orders 2004 and the Oaths Affirmations Declarations and Assents Canon 1992. In the event of an inconsistency, the provisions of the relevant Canon shall prevail over the specific provisions of this Statute.

PART 2 - ARCHBISHOP

4 Vacancy in the See of Perth

- 4.1 The See of Perth shall become vacant:
- (a) on the Archbishop attaining the age of 70 years (**compulsory retirement**);
 - (b) on a date set by the Archbishop in a letter addressed to Diocesan Council;
 - (c) on the death of the Archbishop; or
 - (d) for cause.
- 4.2 For the purposes of the Archbishop Election Committee and for no other purpose any vacancy occurring under section 4.1(a) may be deemed to have occurred three months before the date of compulsory retirement and any vacancy occurring under section 4.1(b) may be deemed to have occurred as from the date of the acceptance of the letter by Diocesan Council.

5 Archbishop Election Committee

- 5.1 The Synod of the Diocese shall at the first session of each Synod elect from the members thereof ten clerical and ten lay representatives to act as a committee to be known as The Archbishop Election Committee in the choice of an Archbishop whenever the See of Perth becomes vacant. Committee members shall retire at the first session of the next Synod provided that should the Committee be sitting at the time of Synod they shall continue to hold office until the following session of Synod.

- 5.2 In case of any vacancy in the Committee by death, incapacity, resignation or cessation of membership, Diocesan Council shall appoint a clerical or lay member of Synod as the case may be to fill such vacancy. Any person so elected shall hold office only until the next session of Synod subject to the proviso expressed in section 5.1.
- 5.3 Whenever the See of Perth becomes vacant the Archbishop Election Committee shall meet to consider the choice of a new Archbishop.
- 5.4 All meetings of the Committee shall be held in Perth and shall be convened by the Administrator of the Diocese who shall chair the meeting. The presence of at least seven clerical representatives and seven lay representatives will be necessary to constitute a quorum for the meeting of the Committee.
- 5.5 If the Administrator is a candidate for election then, while the Administrator's candidature is under discussion, the Committee shall elect a chairperson from amongst its members who shall have a deliberative but not a casting vote.
- 5.6 Any clerical member who, with the consent of that member, is a candidate for election, together with any spouse, partner, parent, sibling or child of that clerical member, shall cease to be a member of the Committee and there shall be a vacancy on the Committee.
- 5.7 In the event of any vacancy occurring on the Committee, other than that of the Administrator, it shall be filled by an appointment by Diocesan Council. Diocesan Council must keep confidential and not disclose the names of any persons who have ceased to be a member of the Committee for any reason.
- 5.8 The meeting of the Committee may be adjourned from time to time as the members think fit.

6 Procedure of the Archbishop Election Committee

- 6.1 The procedure adopted by the Archbishop Election Committee shall, subject to section 7, be determined by the Committee.
- 6.2 The procedure may include consultation and the taking of advice as to the desirable qualities of the next person to be elected Archbishop before nominations are called.
- 6.3 The procedure may also include soliciting expressions of interest and interviewing persons considered for nomination.

7 Nominations

- 7.1 Before the date of compulsory retirement or resignation of the Archbishop and in any event at a time determined by the Administrator, the Administrator shall give notice, call an initial meeting of the Committee and invite each of the diocesan Bishops of the Province to submit in writing the names of persons they think should be considered for the appointment by a date by which such nominations must be received.

- 7.2 Any member of the Committee may nominate in writing to the Administrator additional candidates for election to be considered by the Committee together with the names submitted by the diocesan Bishops.
- 7.3 As nominations are received from the diocesan Bishops of the Province and/or members of the Committee, the Administrator must:
- (a) inspect or cause the inspection of the national register and the registers of all participating dioceses whose Synods have enacted professional standards legislation; and
 - (b) undertake or cause to be undertaken all background checks, screenings or clearances required by Diocesan statute or policy, and confirm that the nominee has passed all of the relevant checks. The Administrator must then add the name of that nominee to the list of candidates.
- 7.4 The Administrator must not include on the list of candidates the name of any person who does not pass the probity checks. The Administrator must keep confidential the information in the registers and must not unnecessarily disclose the names of any persons who have not passed the probity checks.
- 7.5 Once the list contains three or more candidates, the Administrator shall call a further meeting for the Committee to consider the candidates.
- 7.6 Not less than two weeks before the date of that Committee meeting, the Administrator shall cause to be sent to each member of the Committee:
- (a) the names of the candidates submitted by the Diocesan Bishops; and
 - (b) the names of all other candidates,
- together with such information concerning each of them as the Administrator shall determine.
- 7.7 No candidate shall be considered for nomination unless a majority of the clerical members and a majority of the lay members of the Committee voting by secret ballot agree to that candidate's suitability for nomination as Archbishop.
- 7.8 The Administrator may repeat some or all of the process in section 7, until two or more candidates obtain the majority votes required under section 7.7. The Committee shall then consider these candidates and proceed to the ballot for the election of an Archbishop.

8 Ballot

- 8.1 No person shall be elected as Archbishop until they have received the votes of at least seven of the clerical members and at least seven of the lay members of the Committee.
- 8.2 Voting shall be by secret ballot.
- 8.3 The person obtaining at least seven of the votes of the persons present in each order shall be the Archbishop elect.

- 8.4 If no nominee receives the requisite majority of votes in each order, or the Archbishop elect declines to accept the See, then the procedure under this Statute shall commence again with the Administrator giving notice in accordance with section 7.1.
- 8.5 In the event of failure to elect within a period of twelve calendar months from the date of the vacancy of the See the election shall vest in Diocesan Council unless it extends the period for election by the Committee, which it may do for periods of six months at a time.

9 Confirmation

- 9.1 When a person has been elected as Archbishop, the Administrator of the Diocese shall certify the name of the person elected to the Primate or the Senior Bishop of the Province of Western Australia or the Chancellor of the Diocese for confirmation as to canonical fitness as defined in section 74(1) of the Constitution of the Anglican Church of Australia.
- 9.2 If canonical fitness is not confirmed within fourteen days of such certification, such election shall be null and void and proceedings shall be taken as if the vacancy in the See occurred at the time of such certification.
- 9.3 On receipt of the confirmation of canonical fitness, the Administrator of the Diocese shall inform the diocesan Bishops of the Province of Western Australia of the name of the elected person.

10 Powers and functions of the Archbishop

- 10.1 When an election has been confirmed as required the person so elected (subject to their consecration if necessary) shall be the Archbishop of the See of Perth and shall be entitled to exercise the functions of the Archbishop as from the date of enthronement in the Cathedral Church of the See of Perth.
- 10.2 The Archbishop has the right at all times to:
- (a) enter every Church building within the Diocese for purposes including the saying of public prayers, administering the sacraments, preaching and performing all other rites and ceremonies according to the use of the Anglican Church; and
 - (b) attend the meetings of parish council or any annual or special meeting of parishioners of any parish.

PART 3 – ADMINISTRATOR

11 The appointment and role of the Administrator

- 11.1 At any time the Archbishop may appoint a member of clergy to be Administrator of the Diocese to administer the affairs of the Diocese, including chairing the meetings of Diocesan Council. This appointment must be signed and sealed by the Archbishop. The appointment shall be for such period and subject to such conditions as the Archbishop may determine, except that Diocesan Council must consent to the appointment an Administrator to serve during a vacancy in the See.
- 11.2 The person so appointed shall act as the Administrator of the Diocese:

- (a) when so requested by the Archbishop;
- (b) during the absence from the Diocese of the Archbishop;
- (c) during the incapacity from any cause of the Archbishop; or
- (d) during a vacancy in the See,

unless and until their appointment has expired by effluxion of time or been revoked in writing by the Archbishop.

- 11.3 Where no Administrator has been appointed, or where the Administrator is unable or unwilling to act or is absent from the Diocese, the office of Administrator shall be exercised by a member of clergy appointed by Diocesan Council.
- 11.4 The Administrator shall exercise the authorities, powers, rights and duties (including membership of Diocesan Council) conferred or imposed on the Archbishop by the Constitution of the Anglican Church of Australia, other than the authorities, powers, rights and duties relating to the office of Metropolitan, while administering the Diocese. Nothing in this section confers on an Administrator who is not a bishop a right to vote as a bishop, where voting on Provincial Council requires a vote by orders.
- 11.5 During a vacancy in the See the Administrator shall and may exercise those powers and authorities until such time as a new Archbishop is enthroned.
- 11.6 The Archbishop may remove the Administrator from office in the sole discretion of the Archbishop at any time.

PART 4 - CHANCELLOR

12 The appointment and role of the Chancellor

- 12.1 The Archbishop may appoint as Chancellor to the Archbishop a person who meets the qualifications of a chancellor as set out in the Chancellors Canon 2001. The appointment shall be for such period and subject to any conditions as the Archbishop may determine, made under seal and otherwise in accordance with the provisions of the Chancellors Canon 2001.
- 12.2 Before entering the execution of the office, the Chancellor must make such oaths and declarations as are required by the Chancellors Canon 2001, the Statutes of the Diocese and as otherwise required by the Archbishop.
- 12.3 The Chancellor shall be the principal confidential adviser to the Archbishop in legal and related matters. Subject to the Chancellor's overriding duty to the Archbishop, the Chancellor may from time to time provide advice to the Synod and other agencies of the Diocese with the consent of the Archbishop.
- 12.4 The Chancellor has such other powers, duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, the Constitution of the Diocese, and any canons or statutes.
- 12.5 The Archbishop may remove the Chancellor from office in the sole discretion of the Archbishop at any time.
- 12.6 The Archbishop may appoint a deputy Chancellor either as a continuing officer or to act in the absence of the Chancellor or during a vacancy in the

office of Chancellor. A deputy Chancellor must meet the qualifications of a chancellor and will be subject to the provisions in relation to tenure in the Chancellors Canon.

PART 5 – ASSISTANT BISHOPS

13 The appointment and role of assistant bishops

- 13.1 The Synod may from time to time create the office of assistant bishop and may create more than one such office. The Synod acknowledges and preserves the 3 offices of assistant bishop which were created before the adoption of this Statute, but acknowledges that there is no requirement for all 3 offices of assistant bishop to be filled at any time.
- 13.2 The appointment of an assistant bishop shall be made by the Archbishop with the concurrence of Diocesan Council.
- 13.3 Before making any such appointment the Archbishop shall notify the Primate of the intention of making the appointment.
- 13.4 No priest appointed to the office of an assistant bishop in the Diocese shall be consecrated unless their appointment as to canonical fitness has been confirmed by the Primate or one or more Metropolitans or the Chancellor of the Diocese. The definition of "canonical fitness" in section 74(1) of the Constitution of this Church shall apply to any such confirmation.
- 13.5 An assistant bishop shall be licensed by the Archbishop for such period and on such conditions as the Archbishop may determine. An assistant bishop shall undertake such work and perform such episcopal acts as may be required or permitted by the Archbishop. The assistant bishops may have such other powers, duties and responsibilities as are prescribed by canons or statutes.
- 13.6 An assistant bishop shall continue in office notwithstanding a vacancy in the See.
- 13.7 No assistant bishop shall be appointed with a right of succession to the See.
- 13.8 Nothing in this Statute affects any office of assistant bishop created or appointment made before the adoption of this Statute.
- 13.9 The Archbishop may remove an assistant bishop from office in the sole discretion of the Archbishop at any time.

PART 6 - ARCHDEACONS

14 The appointment and role of archdeacons

- 14.1 Subject to compliance with any Statutes, the Archbishop may collate one or more members of clergy as archdeacons either for a set period or until the next vacancy in the See or as otherwise permitted by statute or custom.
- 14.2 An archdeacon has such powers, duties and responsibilities as are allocated by the Archbishop, including to assist the Archbishop in administrative matters and liaison with clergy, parishes and allied ministries.
- 14.3 The Archbishop may remove an archdeacon from office in the sole discretion of the Archbishop at any time.

PART 7 – DIOCESAN REGISTRAR

15 The appointment and role of Diocesan Registrar

- 15.1 Subject to compliance with any Statutes, the Archbishop may at any time appoint a person to keep the register of official records of the Diocese.
- 15.2 The appointment shall be for such period and subject to such conditions as the Archbishop may determine.
- 15.3 If the person appointed as the Diocesan Registrar is a lay person, they must subscribe to the lay officers' declaration in accordance with the requirements of the Diocesan Council Statute.
- 15.4 The Archbishop may remove the Diocesan Registrar from office in the sole discretion of the Archbishop at any time.