

Administrator Ordinance 2002

No 52, 2002

An Ordinance to provide for the appointment of a person to exercise the powers and functions of the bishop of the Diocese in the circumstances referred to in the 11th Article in the Schedule to the Anglican Church of Australia Constitutions Act 1902 and section 39 of the Anglican Church of Australia Trust Property Act 1917.

Preamble

A. The 11th Article in the Schedule to the Anglican Church of Australia Constitutions Act 1902 enables the synod of a diocese by ordinance to appoint a person who, in the circumstances recited in that Article, may exercise the powers vested in the bishop of the diocese under the Constitutions set out in that Schedule.

B. The powers referred to in A. include those exercised by the bishop of a diocese under Section 8 of the Schedule to the Anglican Church of Australia Constitution Act 1961.

C. Under section 39 of the Anglican Church of Australia Trust Property Act 1917, the synod of a diocese by ordinance may appoint a person who, in the circumstances recited in that section, may exercise the powers and functions and may also do and make all or some of the things referred to therein in the place of the bishop of the diocese under that Act.

D. It is expedient to appoint a person to exercise the powers and functions referred to in the 11th Article of the Schedule to the Anglican Church of Australia Constitutions Act 1902 and section 39 of the Anglican Church of Australia Trust Property Act 1917.

The Synod of Diocese of Sydney Ordains -

1. Name

This Ordinance is the Administrator Ordinance 2002.

2. Appointment

The person who from time to time is the senior assistant bishop of the Diocese is appointed as the person who may exercise the powers and functions referred to in the following provisions in the circumstances set out in those provisions -

- (a) the 11th Article in the Schedule to the Anglican Church of Australia Constitutions Act 1902, and
- (b) section 39 of the Anglican Church of Australia Trust Property Act 1917.

3. If the senior assistant bishop of the Diocese -

- (a) is absent from the State of New South Wales, or
- (b) is incapable of exercising the powers and functions referred to in clause 2, or
- (c) is unwilling to exercise those powers and functions,

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the person who is appointed to exercise those powers and functions is the next most senior assistant bishop of the Diocese who is in the State of New South Wales and is capable of and is willing to exercise those powers and functions.

4. Session of Synod to elect an Archbishop

If a person appointed to exercise the powers and functions referred to in clause 2 is a nominee in an election under the Archbishop of Sydney Appointment Ordinance 1982, that person is unable to preside at a session of the Synod convened pursuant to that Ordinance, and the person to preside at that session will be -

- (a) of the other assistant bishops of the Diocese - the most senior of those assistant bishops who is not a nominee in such an election and who is capable of presiding and is willing to preside, or
- (b) if no such assistant bishop is capable of presiding or is willing to preside - the Chancellor, or
- (c) if the Chancellor is incapable of presiding or is unwilling to preside - the Advocate, or
- (d) if the Advocate is incapable of presiding or is unwilling to preside - such other person as the Synod may elect.

5. Seniority of assistant bishops

For the purposes of this Ordinance, the seniority of assistant bishops of the Diocese is to be determined in accordance to the following rules -

- (a) Seniority will be in accordance with the dates of first appointment as an assistant bishop of the Diocese.
- (b) If 2 or more assistant bishops were first appointed as assistant bishops of the Diocese on the same day, the seniority of those assistant bishops will be determined by the respective dates of their consecration as a bishop.
- (c) If 2 or more assistant bishops were first appointed as assistant bishops of the Diocese on the same day, and were also consecrated on the same day (being the day of first appointment or otherwise), the seniority of the those assistant bishops is to be determined by the Standing Committee.

6. Repeal of ordinance

The Ordinance entitled "An Ordinance to appoint a person for the purposes of the 26th Section of the Constitutions and the 39th Section of the Anglican Church of Australia Trust Property Act 1917", which received assent on 25 November 1921, is repealed.

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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 21 October 2002.

CJ MORONEY
M A PAYNE
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
22/10/2002