

DIOCESE OF ROCKHAMPTON

THE BISHOPRIC ELECTION CANON 2015***Preamble***

Whereas it is expedient to make amended provision for the Election of the Bishop BE IT THEREFORE DECLARED AND ESTABLISHED by the Bishop, Clergy and Laity of the Diocese of Rockhampton in Synod assembled as follows:-

1. Title

This Canon may be cited as “The Bishopric Election Canon 2015”.

2. Definitions

For the purposes of this canon the following words and phrases shall have the following meanings:

“**Administrator**” shall mean the person for the time being authorised to exercise the office of administrator pursuant to the provisions of Section 27 of the Constitution whether or not the administrator shall be at that time otherwise exercising the power of the Bishop.

“**Engaged in its deliberations**” shall mean and include the engaging in any of the matters which such Board is entitled to engage in for a period of time permitted by this Canon.

“**About to become vacant**” shall mean:-

- (i) In the case of a vacancy arising by resignation, when the Bishop has given to the administrator written notice of the Bishops resignation in accordance with the provisions of the Constitution and Canons of the Diocese and the Canons of General Synod, but before the date upon which such resignation is to take effect;
- (ii) In the case of the See becoming vacant by reason of the operation of a Canon providing for vacancy of the See upon the Bishop attaining a certain age, during the period of three months preceding the attainment of that age by the Bishop;
- (iii) In the case of a vacancy in the See arising from the translation of the Bishop, when the Bishop has accepted an offer or appointment to be the Bishop of another See.

“**Vacancy**” shall mean the vacancy of the See occurring by the Death, Resignation or Translation of the Bishop or by Canon and shall include the period when the See is about to become vacant.

3. Establishing the Board

The first members of the Board shall be appointed or elected by the Bishop-in-Council.

Every year thereafter, at Synod, there shall be established a Bishopric Election Board (hereinafter called "the Board") the purpose of which is to elect a Bishop when a vacancy shall occur in the See.

4. Membership

The Board shall consist of twelve members consisting of six members of the clergy elected by the House of Clergy and six laypersons (being communicants) elected by the House of Laity.

All members so appointed shall hold office until further appointments are made at Synod in the succeeding year, provided however, that where at any meeting of Synod a Board appointed at the previous meeting is still engaged in its deliberations for the election of a Bishop, then Synod may at its discretion instead of having a fresh election of members reappoint the members of the Board until further appointments are made at Synod in the succeeding year.

The Administrator shall be an ex-officio member.

Any vacancies on the Board in between annual Synods shall be filled by the Diocesan Council, but the proportion of six members of the clergy and six laypersons shall be maintained.

5. Duties of members

Subject to the provisions of this Canon members of the Board shall be bound to absolute secrecy for all time concerning the deliberations that take place.

It shall be the solemn duty of each member of the Board shall regard it as the Bishop's solemn duty to be present at each meeting of the Board unless prevented by serious illness.

The Diocesan Council or Synod (if it shall be in session at a time convenient for the purpose) is empowered on the request of the Board to terminate the membership of any member who

- (i) is absent from two consecutive meetings of the Board;
- (ii) has an apparent conflict of interest;
- (iii) breaches any of the obligations of the members as set out in this Canon.

6. Vacancy of the See

Upon a vacancy occurring in the See of the Diocese without notice, the Board shall meet not later than one month after the date of the vacancy to consider the choice of a person to fill the vacancy in the See.

Upon a vacancy occurring in the See of the Diocese with notice, the Board may meet when the See of the Diocese is about to become vacant and may consult with other communicant members of this Church before commencing its deliberations, but in this case, the Board shall not proceed with the final election until the See has actually become vacant.

Without in any way departing from the general meaning of the term and to avoid inconsistency, the See shall be deemed to be vacant within the meaning of this Canon from the date of a declaration or determination by the Supreme Court or any Judge thereof that a Bishop is mentally ill and incapable of managing the Bishop's estate

In the event of the translation of the Bishop:-

- (i) The Bishop shall give notice of resignation in accordance with the Constitution and Canons of the Diocese and the Canons of General Synod as if resignation is intended;
- (ii) The Bishop shall be deemed to remain in office and shall be entitled to continue to exercise the functions and powers of the Bishop until the Bishop's resignation becomes effective or (if no notice of resignation has been given) until the date on which the Bishop takes up office in the See to which the Bishop is translated.

7. Meetings of the Board

The Administrator shall preside at all meetings of the Board however when absent the members present shall select a Chairman for the proceedings of that day.

A quorum shall be five clergy and five laity.

The Board shall meet as often as may be required until one candidate is successfully elected.

Such meetings shall take place when convened by the Administrator or on the written requisition of not less than four members of the Board.

The first meeting of the Board (at least) shall be preceded by a celebration of Holy Communion at which the Administrator shall deliver a Charge reminding the members of the solemnity of the work they are undertaking.

At its first meeting the Board shall consider the matters required by the Canons of General Synod (if any) in connection with the remuneration and emoluments of the Bishop.

At any meeting of the Board convened in accordance with the provisions of this Canon the Board shall be entitled to review the remuneration and emoluments of the Bishop (and for that purpose to consider the remuneration and emoluments of the Australian Diocesan Bishops) and to fix a new level of remuneration and emoluments for the new Bishop to be elected.

8. Nomination of Candidates

Any member of the Board (clerical or lay) may nominate one or more candidates over thirty years of age for election to the Bishopric.

The nomination of candidates by any Board member shall be made in accordance with guidelines and criteria approved by Bishop in Council for use by the Board for that purpose.

Should the Administrator, or any member of the Board:

- (a) be nominated as a Candidate for the See and
- (b) following nomination, accept the nomination to be considered as a Candidate;

then the Administrator or the Board member shall thereafter take no part in those deliberations of the Board whereupon the Board shall notify BIC as to the vacancy created and the provisions of Section 3.4 shall apply.

9. The Administrator

The Administrator shall not be entitled to vote upon the election of a candidate for the See unless one of the clerical members of the Board is absent in which event the Administrator shall have a first but not a casting vote.

Notwithstanding the foregoing provisions of this Section if the Administrator has been elected as a member of the Bishopric Election Board in accordance with the provisions of the Canon the Administrator shall be entitled to vote upon the election of a Candidate for the See.

Should the Administrator either for the reason mentioned in section 7 or for any other sufficient reason cease to take part in the deliberations of the Board then the rights and powers vested in the Administrator by the provisions of this Canon shall thereafter be exercised by a member of Clergy appointed by Bishop in Council.

10. Electing a Bishop

The conduct of the election shall be made by the Board in accordance with guidelines and criteria approved by Bishop in Council for use by the Board.

A candidate shall not be successfully elected unless not fewer than five clerical and five lay members of the Board vote in favour of the nomination of that candidate.

All voting shall be conducted by secret Ballot

11. Upon the Election of a Bishop

When the Board has elected a candidate to the vacant See the Administrator shall sign a declaration of the fact in the presence and on behalf of the Board and the Administrator shall further:

- (a) cause a copy thereof to be preserved in the Registry of the Diocese; and
- (b) forward to the Metropolitan the name of the duly elected candidate for confirmation of the election.

The Board shall advise the Diocesan Council of the level of remuneration and emoluments for the new bishop forthwith after the new Bishop has been elected.

The election of the Bishop shall as to canonical fitness of the person elected be subject to confirmation as prescribed by Canon of the Synod of the Province of Queensland.

When an election has been confirmed the person so elected shall upon consecration (if at the time of election has not already been consecrated Bishop) and installation be the Bishop and shall exercise the function of Bishop accordingly.

12. Failure to elect

If the Board has failed to elect a candidate with the required majority within a period of six months from the date of the first meeting of the Board, the Administrator shall convene a special meeting of the Diocesan Council.

At such meeting the Administrator shall report that the Board has failed to elect a candidate with a required majority within the prescribed period and shall report the reason or reasons for such failure to elect provided however that no reference to the identity of the persons nominated as candidates shall be made.

Upon receipt of that report Diocesan Council may -

- (a) instruct the Board to continue its deliberations for a further period of up to six months, or
- (b) debate the reasons given for the failure to elect and instruct the Administrator to convey to the Board the outcome of such debate (provided that the Board shall receive such information as a matter of advice and not as a matter of direction) and instruct the Board to continue its deliberations for a further period of up to six months, or
- (c) dissolve the existing Board and direct the Administrator to convene a special session of Synod, whereupon the Synod may either -
 - (i) elect a new Board consisting of the Administrator as an ex officio member and twelve members consisting of six members of the clergy elected by the House of Clergy and six laypersons being communicants elected by the House of Laity and such twelve members shall have the same rights powers and duties as the earlier Board, or
 - (ii) request the Metropolitan to convene a meeting of the Bishops of the Province for the purpose of the Metropolitan and the said Bishops making an appointment of a suitable candidate to the vacant See,

PROVIDED HOWEVER if an ordinary annual session of Synod is convened at a time convenient for the purpose, the Administrator shall, instead of convening a Special Meeting of the Diocesan Council, make such report to Synod which shall have the powers (including the powers of election of a new Board or request to the Metropolitan) hereinbefore mentioned.