

THE SCHEDULES

SCHEDULE 1 – ELECTION OF BISHOP

1.¹²⁵ Dictionary

1.1 In this Schedule, unless the contrary intention is shown:

Committee means the Episcopal Election Nominations Committee appointed under sub-section 2.1¹²⁶

Committee Chair means the person appointed under Standing Order 73 or 74 as the case may be.

Diocesan Profile means the profile prepared by the Committee under sub-section 3.1 including any amendment to it made by Synod;

Episcopal Selection Criteria means the selection criteria established by the Committee under sub-section 3.4, including any amendment to them made by Synod;

Medical Practitioner means, in respect of a Prospective Nominee, the person by whom the Prospective Nominee is examined as arranged under paragraph 5.2(a) by the Committee¹²⁷.

¹²⁸

Nominee means a person included in the list prepared by the Committee under sub-section 5.8D;

President means the President of the Electoral Synod as provided for in section 12.1 of this Ordinance.

¹²⁹

Prospective Nominee means a person who has consented in writing to be nominated for election as Bishop and returned to the Committee the material required under sub-section 5.1;

Synod in committee means the Synod sitting in Committee under Part 10 of the Standing Orders of Synod.

Note: The Dictionary to the Diocesan Legislation Ordinance 2007 provides a definition of the terms:

- Bishop-in-Council
- Professional Standard Director
- Registrar
- Synod

2.¹³⁰ Episcopal Election Nominations Committee¹³¹

2.1 There shall be an Episcopal Election Nominations Committee;

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¹²⁵ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹²⁶ Amended by the Episcopal Election Amendment Ordinance 2017

¹²⁷ Amended by the Episcopal Election Amendment Ordinance 2017

¹²⁸ Omitted by the Episcopal Election Amendment Ordinance 2017

¹²⁹ Omitted by the Episcopal Election Amendment Ordinance 2017

¹³⁰ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹³¹ Amended by the Episcopal Election Amendment Ordinance 2017

¹³² Amended by the Episcopal Election Amendment Ordinance 2017

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- 2.2 The Committee shall comprise 3 members of the clergy and 3 lay members of Synod.
- 2.3 Subject to subsection 2.4, the members of the Committee shall be elected at the first session of each Synod.
- 2.4 The members of the first Committee shall be elected at the session of Synod immediately next after the Bishop assents to this Ordinance.
- 2.5 The members of the Committee shall hold office until the end of the first session of Synod immediately next after the Synod at the session of which they were elected.
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- 2.6 A person ceases to be a member of the Committee if the person
- (a) dies;
 - (b) ceases to be a member of this Church;
 - (c) in the case of a member of the clergy – ceases to be licensed by the Bishop;
 - (d) in the case of a lay member – ceases to be a member of Synod;
 - (e) resigns his or her position;
 - (f) becomes incapable by reason of physical or mental incapacity of discharging the duties of a member of the Committee;
 - (fa) is or becomes a disqualified person within the meaning of subsection 35.4 of this Ordinance; or
 - (g) ¹³⁴ becomes a Prospective Nominee
- 2.7 ¹³⁵ In the event of a vacancy in the membership of the Committee, Bishop-in-Council shall call for nominations from the members of Synod and shall elect from the nominations received a person to fill the vacancy until the end of the term of the person whose vacancy the person was elected to fill.
- 2.8 The Registrar shall act as Secretary to the Committee and may attend each meeting of the Committee but may not vote.
- 2.9 The Committee shall elect a Chair from amongst its members.
- 2.10 Subject to this Schedule, the Committee shall conduct its business in any manner it thinks fit but must apply the principles of natural justice.

¹³³ Omitted by the Episcopal Election Amendment Ordinance 2017

¹³⁴ Amended by the Episcopal Election Amendment Ordinance 2017

¹³⁵ Amended by the Episcopal Election Amendment Ordinance 2017

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2.11 The Committee may establish committees or working parties, consisting of members of the Committee, to assist in the performance of its functions.

2A Functions and Operation of the Committee¹³⁶

2A.1 When the Bishop notifies an intention to resign, resigns or a vacancy occurs in the See, then, upon the happening of whichever of these events occurs first, the Registrar shall convene a meeting of the Committee as soon as is reasonably practicable.

2A.2 The functions of the Committee are to:

- (a) arrange for consultations within the Diocese in accordance with section 3;
- (b) prepare the Diocesan Profile required under section 3;
- (c) prepare Episcopal Selection Criteria required under section 3;
- (d) actively seek candidates for election as Bishop from within the Diocese and beyond;
- (e) prepare and distribute to potentially suitable candidates the materials required under section 4;
- (f) discuss the vacancy with each Prospective Nominee and, in particular, the way in which they meet each of the Episcopal Selection Criteria;
- (g) conduct the interviews and reviews required by section 4A and assess each Prospective Nominee against the Episcopal Selection Criteria; and
- (h) nominate to the Electoral Synod each of the Prospective Nominees who meets the Episcopal Selection Criteria to the satisfaction of the Committee.

3.¹³⁷ Consultation process

3.1 ¹³⁸As soon as reasonably practicable after the Registrar has convened the first meeting under sub-section 2A.1, the Committee must arrange for the conduct of consultations throughout the Diocese, especially with members of Synod, with a view to the preparation of a profile of the Diocese which will show, so far as it can be ascertained:

- (a) the present state of the Diocese; and
- (b) any particular challenges or opportunities faced by the Diocese; and
- (c) any specific needs of the Diocese; and

¹³⁶ Inserted by the Episcopal Election Amendment Ordinance 2017

¹³⁷ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹³⁸ Amended by the Episcopal Election Amendment Ordinance 2017

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- (d) the expectations of the members of this Church in the Diocese for the work of this Church.
- 3.2 In conducting its consultations, the Committee must:
- (a) encourage Synod members to reflect on the particular qualities and experience that would be appropriate to seek in a Bishop for the Diocese; and
 - (b) prepare the Diocesan Profile¹³⁹ with a view to assisting members of Synod to decide between likely nominees; and
 - (c) ensure that appropriate information on the Diocese is collected and included in the Diocesan Profile¹⁴⁰ for provision to nominees.
- 3.3 ¹⁴¹ Bishop-in-Council must, at its first meeting after the Registrar has convened the meeting of the Committee under sub-section 2A.1, specify the date by which the Committee must complete the consultations and preparation of the Diocesan Profile and the Episcopal Selection Criteria.
- 3.4 Informed by the consultations, the Ordinal, the doctrine, Constitution and Canons of the Anglican Church of Australia and the Ordinances of the Diocese, the Committee must prepare a list of selection criteria which each Prospective Nominee must or should desirably or may meet in order to be assessed by the Committee as suitable for nomination as a candidate for election as Bishop of the Diocese.
- 3.5 As soon as practicable after completing the Diocesan Profile and the Episcopal Selection Criteria, the Committee must circulate them to all members of Synod.
- 3.6 If the number of members of Synod who constitute a quorum of Synod petition the Registrar claiming that the Diocesan Profile or the Selection Criteria or both are unsatisfactory in any identified respects, then the Registrar must, unless the Committee accepts the identified respect or respects and alters the Diocesan Profile or the Episcopal Selection Criteria or both in the respect or all respects, convene a session of Synod as soon as practicable to discuss the respects of the Diocesan Profile or the Episcopal Selection Criteria or both which the petition has identified as unsatisfactory.
- 3.7 At such session of Synod, the only item for discussion shall be the subject matter of the petition referred to in sub-section 3.6 and, if Synod amends or otherwise varies the Diocesan Profile or the Episcopal Selection Criteria or both, then the amendment

¹³⁹ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁰ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴¹ Amended by the Episcopal Election Amendment Ordinance 2017

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shall be incorporated into the relevant document which shall then be used by the Committee as required by this Schedule.

4.¹⁴² Nomination Process

4.1. The Committee must prepare appropriate materials for distribution to prospective nominees which will include:

- (a) a consent form for a comprehensive medical examination; and
- (b) a professional standards check which shall include a consent form for a police check from the appropriate police force or forces; and
- (c) a request for a curriculum vitae in appropriate form; and
- (d) a request for any other information the Committee, after consultation with Bishop-in-Council, considers is appropriately required.

4.2¹⁴³ After completing the material referred to in sub-section 4.1, the Committee must actively seek out the names of persons who may be considered by it as Prospective Nominees by:

- (a) inviting each member of Synod to propose the name or names of such a person or persons;
- (b) making inquiries of such other persons as the Committee considers might reasonably know of a person or persons whom the Committee should consider as Prospective Nominees.

4.3¹⁴⁴ The Committee must invite all such persons whose names have been notified to it in the process set out in sub-section 4.2 to indicate whether they would be prepared to be considered as Prospective Nominees and then provide to each such person, who does indicate a preparedness to be so considered, a copy of each of the materials referred to in sub-section 4.1 as well as a copy of the Diocesan Profile and the Episcopal Selection Criteria.

5. Nominations for the office of Bishop

5.1 ¹⁴⁵ The Committee shall, in sending the materials referred to in sub-section 4.3, require those persons to return to the Committee, in a sealed envelope addressed to the Registrar by a stated date, the following:

- (a) a written consent of the person to being nominated for election as Bishop;
- (b) a curriculum vitae in the form specified in paragraph 4.1(c);

¹⁴² Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹⁴³ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁴ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁵ Amended by the Episcopal Election Amendment Ordinance 2017

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- (c) the names and contact details of referees whom the person consents to the Committee contacting for the purpose of obtaining references;
 - (d) any information required under paragraphs 4.1(d); and
 - (e) contained in the envelope but in separately sealed envelopes marked “Consent to Medical Check” and “Professional Standards Check” respectively the forms referred to in paragraph 4.1(a) and (b) respectively, duly completed.
- 5.2 ¹⁴⁶ Upon the receipt of the material referred to in sub-section 5.1, the Committee must:
 - (a) arrange for the Prospective Nominee to be examined by a suitably qualified medical practitioner in accordance with sub-section 5.3;
 - (b) refer the envelope labelled “Professional Standards Check”, unopened, to the Professional Standards Director
- 5.3 The Medical Practitioner must be requested to conduct a medical examination of the Prospective Nominee and express to the Committee an opinion as to whether or not the Prospective Nominee is medically fit for the office of Bishop and whether there is any medical matter that ought to be disclosed, without disclosing the matter. The Committee shall ensure that the Medical Practitioner has sufficient information with which to form such an opinion¹⁴⁷.
- 5.4 The Professional Standards Director must be requested to make such inquiries and give such consideration as may be necessary to be able to express to the Committee an opinion on whether there is any matter that might render the Prospective Nominee unfit for the office of Bishop or which ought otherwise to be disclosed, without identifying the matter.¹⁴⁸
- 5.5 Despite the provision of any other Ordinance, the Medical Practitioner and the Professional Standards Director must not, without the consent of the Prospective Nominee, disclose to any person other than the Prospective Nominee any information received from or about the Prospective Nominee other than as expressly provided for in this Ordinance.¹⁴⁹
- 5.6 If either the Medical Practitioner or the Professional Standards Director report that the Prospective Nominee is not fit or that there is a matter that ought to be disclosed, the Committee must refer that report to the Prospective Nominee and request any

¹⁴⁶ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁷ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁸ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁴⁹ Amended by the Episcopal Election Amendment Ordinance 2017

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comment that the Prospective Nominee may care to make and also a request that the Prospective Nominee consent to the disclosure to the Committee only of the matter or matters that caused either the Medical Practitioner or the Professional Standards Director to make the report.¹⁵⁰

5.7 ¹⁵¹ The Committee must consider any comment received from the Prospective Nominee and any matter disclosed with the consent of the Prospective Nominee and, as a result, may seek a further opinion, which may require a further medical consultation and report, including by another appropriately qualified medical practitioner, or an interview of the Prospective Nominee and further report by the Professional Standards Director, may then also seek further clarification on those reports from the Prospective Nominee;

5.7A Having regard to the reports received under sub-section 5.6 and the comments, any matters disclosed and any further reports requested under sub-section 5.7 and other relevant matters, the Committee must:

- (a) consider that the matters the subject of the reports received from the Medical Practitioner, including any other medical practitioner, and the Professional Standards Director, the comments of the Prospective Nominees the matters disclosed and any further reports are such that the Prospective Nominee does not meet the Episcopal Selection Criteria and decline to forward the nomination to Synod advising the Prospective Nominee accordingly; or
- (b) advise the Prospective Nominee that some or all of the matters disclosed and those that are the subject of the reports and comments referred to in paragraph (a) must be advised to Synod unless the nomination is withdrawn; or
- (c) consider that the matter has been adequately resolved and proceed under this Schedule.

5.8 A Prospective Nominee may in writing withdraw consent to the nomination at any time and shall thereafter be no longer considered a Prospective Nominee.¹⁵²

5.8A ¹⁵³ The Committee must then interview each Prospective Nominee, except any whose nomination the Committee has, under paragraph 5.7A(a), decided it would decline to forward,

¹⁵⁰ Inserted by the Episcopal Election Amendment Ordinance 2017

¹⁵¹ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁵² Amended by the Episcopal Election Amendment Ordinance 2017

¹⁵³ Inserted by the Episcopal Election Amendment Ordinance 2017

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with a view to assessing whether the Prospective Nominee meets the Episcopal Selection Criteria to the reasonable satisfaction of the Committee and must contact and seek comment on the suitability of the Prospective Nominee for election as Bishop from each of the referees nominated by the Prospective Nominee and from any other persons from whom it considers that it is appropriate to seek such comment.

5.8B The Committee must then consider, in the light of the information, reports and comments received under paragraphs 5.1(a), (b) and (d) and sub-sections 5.3, 5.4 and 5.7, and the interview and the comments of referees and other persons whose comments are sought under sub-section 5.8A whether the Prospective Nominee reasonably meets the Episcopal Selection Criteria for election as Bishop of the Diocese.

5.8C The Committee must then declare each of the Prospective Nominees who has not been declared unsuitable under paragraph 5.7(a) and who meets the Episcopal Selection Criteria to the reasonable satisfaction of the Committee to be suitable for election as Bishop.

5.8D Having made the declaration referred to in sub-section 5.8C, the Committee must, as soon as practicable thereafter, prepare a list in alphabetical order by surname of the persons in respect of whom the declaration has been made and, not later than two weeks before the beginning of the Election Synod, circulate the list confidentially to each member of Synod together with the curriculum vitae provided under paragraph 5.1(b) and such other material as the Committee may consider appropriate or which Bishop-in-Council may direct it to distribute.

5.9 The Registrar must cause ballot papers to be prepared containing the names of all Prospective Nominees.¹⁵⁴

5.10 The Committee shall report to the Synod by nominating all the Nominees.¹⁵⁵

5A. Questions to Prospective Nominees¹⁵⁶

5A.1 When circulating the list of Nominees under sub-section 5.8D, the Committee must invite members of Synod to submit questions to the Nominees by submitting such questions to the Committee in such form and within such period as the Committee considers appropriate.

¹⁵⁴ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁵⁵ Inserted by the Episcopal Election Amendment Ordinance 2017

¹⁵⁶ Inserted by the Episcopal Election Amendment Ordinance 2017

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- 5A.2 Upon receipt of any such questions, the Committee must use its best endeavours to obtain an answer to any question from the Nominee to whom the question is directed.
- 5A.3 Once the Committee has received an answer to a question it has obtained from a Nominee, it must circulate the question and answer to all members of Synod, but may, in its discretion, circulate together a number of questions and answers if convenient.
- 5A.4 The Committee should use its best endeavours to circulate questions and answers under sub-section 5A.3 to reach members of Synod prior to the meeting of the Electoral Synod but if, for any question and answer, this is not possible, the Committee must make available to members of Synod at the commencement of the Electoral Synod a copy of the question and any answer it has received.

6. Procedure for election of Bishop

- 6.1 Synod sits as Synod in committee to receive the report of the Committee.¹⁵⁷
- 6.2 The election of the Bishop takes place in Synod in committee.¹⁵⁸
- 6.3 The proceedings of the Synod in Committee are confidential and must not be open to the public.
- 6.4 If any member of Synod is a Nominee, that member must not attend Synod or must withdraw from Synod immediately after Synod sits as Synod in committee and remain absent until a Bishop has been elected or until such time as his or her name is no longer on a list mentioned in Schedule 2.¹⁵⁹
- 6.5¹⁶⁰ Once the Electoral Synod commences sitting as Synod in committee under sub-sections 6.1 and 6.2, the Committee (namely the Episcopal Nominations Committee) must present the nominations by having a member of that Committee, who may not necessarily be the same member for each Nominee, move the nomination of each Nominee and describe how that Nominee has met the Episcopal Selection Criteria and make any other comments that the Committee considers appropriate.
- 6.6 When speaking about any particular Nominee, the member of the Committee must also mention any matter referred to in paragraph 5.7A (b), without disclosing the matter itself unless

¹⁵⁷ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁵⁸ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁵⁹ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁶⁰ Amended by the Episcopal Election Amendment Ordinance 2017

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the Nominee has consented to the member disclosing the matter.

6.7 Members of Synod may then direct any questions to the Committee and the Committee shall provide such answer as can reasonably be given to the question.

6.8 When there are no further questions, members of Synod may speak in debate prior to the elections under Schedule 2.

6.9¹⁶¹ When Synod in committee has decided to proceed to a vote, the voting must take place, whether one or more persons have been nominated, in accordance with the rules set out in Schedule 2.¹⁶²

6.10¹⁶³ When one of the persons nominated has received a majority of votes of the members of Synod in committee as required under Schedule 2, the Committee Chair must report to the President.¹⁶⁴

7.¹⁶⁵ Declaration of result of election

7.1 The President must upon receiving the report of the Committee Chair under subsection 6.12-

- (a) declare to the Electoral Synod the person to be the Bishop-elect of Canberra and Goulburn;
- (b) inform the person of the fact; and
- (c) ask the person whether the person accepts the office.

¹⁶¹ Renumbered by the Episcopal Election Amendment Ordinance 2017

¹⁶² Amended by the Episcopal Election Amendment Ordinance 2017

¹⁶³ Renumbered by the Episcopal Election Amendment Ordinance 2017

¹⁶⁴ Amended by the Episcopal Election Amendment Ordinance 2017

¹⁶⁵ Section inserted by Governance of the Diocese Amendment Ordinance 2007

SCHEDULE 2 - BALLOTING FOR ELECTION OF BISHOP

1. Returning officer and tellers.

- 1.1 The Registrar shall be the returning officer.
- 1.2 The Electoral Synod shall elect two clerical and two lay members of Synod as tellers to count the votes.

2. Ballot papers

- 2.1 For the purpose of voting in any ballot the scrutineers shall deliver to each member present a ballot paper containing the list of names then under ballot.
- 2.2 As each member receives his or her ballot paper the member's name shall be crossed off a list of the members of Synod.
- 2.3 At the conclusion of any ballot the tellers shall count the votes and report in writing signed by them to the Committee Chair who shall thereupon announce the result of the ballot.

3. The Select List

- 3.1 If there be no more than four nominations all the names shall be placed on a Select List.
- 3.2 If there be more than four nominations each member shall vote by making a cross opposite not more nor less than four names on the ballot paper and depositing it in the ballot box.
- 3.3 The four names receiving the highest number of votes shall be placed upon a Select List.
- 3.4 In the event of two or more names having received an equal number of votes for fourth place both or all such names shall be placed upon a Select List.

4. The Final List

- 4.1 If there be no more than two names upon the Select List both names shall be placed upon a Final List.
- 4.2 If there be more than two names upon the Select List each member shall vote by making a cross opposite not more nor less than two names on the ballot paper and depositing it in the ballot box.
- 4.3 The two names receiving the highest number of votes shall be placed upon a Final List.
- 4.4 In the event of three or more names having received an equal number of votes for first place the names of those receiving equal votes shall be re-submitted and the two names receiving the highest number of votes shall then be placed upon a Final List.
- 4.5 In the event of two or more names having received an equal number of votes for second place, the names of those receiving equal votes shall be re-submitted and the name receiving the highest number of votes shall be placed upon the Final List.

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5. The ballot on the Final List

- 5.1 Each member shall vote by making a cross opposite one name and one name only on the ballot paper and depositing it in the ballot box.
- 5.2 In this ballot voting shall be by orders and separate ballot boxes shall be provided for the clerical and lay members.
- 5.3 The voting papers for the use of the clergy shall be white and those for the lay members shall be coloured.
- 5.4 The name having a majority of the votes in each order shall be the name of the Bishop-elect.

6. Procedure where no majority in ballot on Final List

- 6.1 In the event of no one name having such majority the Committee Chair shall report progress and ask leave to sit again.
- 6.2 The Synod shall adjourn to a time fixed by the Synod being a time which is not less than three hours, and not more than twenty-four hours after the Committee Chair reported progress and asked leave to sit again.
- 6.3 A further ballot shall then be taken in the manner provided for the ballot on the Final List.
- 6.4 If in the further ballot no one name has a majority as specified in paragraph 5.4 Synod in Committee shall proceed to vote as a whole and the name having a majority of the votes shall be the name of the Bishop-elect; provided nevertheless, that the name shall also have not less than one third of the votes in each order present and voting.

7. Procedure where no majority after adjournment

- 7.1 In the event of no one name having a majority on the ballot taken in accordance with paragraph 6, the Electoral Synod shall adjourn for not less than two and not more than four calendar months and on re-assembling shall proceed from the beginning again to the election of a Bishop.¹⁶⁶
- 7.2¹⁶⁷ Unless a nominee withdraws consent to the nomination in writing, all nominees shall be considered as having been nominated.
- 7.3¹⁶⁸ Upon adjournment of the Electoral Synod, the Committee must meet again as soon as practicable and confirm that each person who was a Nominee within the meaning of Schedule 1 continues to consent to his or her name being placed before the adjourned Synod.
- 7.4¹⁶⁹ The Committee must then invite members of Synod to propose any other persons for consideration and may make such other

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inquiries as to persons who may be considered for election as Bishop.

7.5¹⁷⁰ In the event that the Committee receives proposals for, or its inquiries lead to, other persons under sub-section 7.4, the Committee shall proceed in respect of those persons in accordance with the procedures under Schedule 1 as nearly as possible in the circumstances.

8. President has no vote in Electoral Synod

8.1 The President of the Electoral Synod may not vote in any ballot.

9. Disposition of ballot papers

9.1 When any ballot has been completed the ballot papers shall be enclosed in an envelope sealed and endorsed with the details of the voting and handed to the President who shall retain it until the election has been completed and Synod has given directions for its disposal.

SCHEDULE 3 – DECLARATION TO BE MADE BY BISHOP-ELECT

I (full name) do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the constitutions of the Province of New South Wales and of this Diocese and by the canons, statutes, ordinances and rules (however described) from time to time of the Synod of this Diocese, and of the General Synod and Provincial Synod which have force in this Diocese.

SCHEDULE 4 – CONDITIONS OF SERVICE OF THE BISHOP

1. Bishop's residence

1.1 The Property Trust must provide and maintain an adequate house for the Bishop out of the capital fund of the Bishopric Endowment and, where that is insufficient, out of the general funds of the Diocese.

2. Annual leave

2.1 The Bishop is entitled to annual leave for a total of 28 days in each calendar year, including 4 Sundays.

2.2 Annual leave that is not taken before the end of the year in which it is due lapses at the end of that year unless approval to accrue the leave for a special purpose for a period not exceeding 2 years is given by the Bishop-in-Council.

3. Other conditions of service

3.1 Other conditions of service of the Bishop, including stipend and allowances, are as determined by the Bishop-in-Council meeting without the Bishop.

¹⁷⁰ Amended by the Episcopal Election Amendment Ordinance 2017