
WANGARATTA BISHOPRIC ACT

No. 1, 1904

Replacing the Acts of the Diocese of Melbourne referred to in Section 2 of this Act.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF BISHOPS OF THE DIOCESE OF WANGARATTA AND FOR THE PERFORMANCE OF CERTAIN DUTIES OF A BISHOP DURING THE VACANCY OF THE SEE.

Amended by Acts: No. 2, 1976
No. 9, 1993
No. 6, 1994
No. 6, 1997
No. 3, 2019

Affected by Acts: No. 1, 1942
No. 2, 1974-1993

Short Title Amended: No. 2, 1976 No. 9, 1993 No. 6, 1994 No. 6, 1997	BE it enacted by the Bishop the Clergy and the Laity of the Church of England within the Diocese of Wangaratta in Victoria duly met in Synod according to law as follows:-
Repeal of Acts	1. This Act may be cited as the "Wangaratta Bishopric Act 1904-1997."
Board of Electors to be appointed	2. The Act No. 4, 1878 and the Act No. 6, 1887 and the Act No. 3, 1889, all of the Church Assembly of the Diocese of Melbourne shall be and the same are hereby repealed.
Six Clerks and Six Laymen to be elected a Board Amended: No. 2, 1976 No. 9, 1993 No. 6, 1994	3. There shall be a Board for the purpose of electing in the event of a vacancy of the See of Wangaratta a Clerk in full orders to be the Bishop of the Diocese of Wangaratta and such Board shall be styled the Board of Electors and shall hold office until the election of their successors and until the meeting of another Synod and the appointment of a board by its Members as hereinafter provided the present Board of Electors shall be regarded as and shall exercise all the functions of a Board chosen under the provisions of this Act.
Provision in Case of vacancy in Board Amended: No. 2, 1976	4. In the first session of every Synod six Clerks duly licensed within the Diocese and six Laymen being Laymen eligible to be members of Synod shall be chosen by ballot by the members of this Synod to be a Board of Electors for the purposes of this Act.
Mode of Resignation by Bishop Amended: No 2, 1976	5. When the Board determines that a vacancy exists in its membership by reason of death resignation incapacity to act or the occurrence of circumstances which would have rendered the member ineligible under the provisions of Section 4 hereof, such vacancy shall be filled up in like manner in the next Session of the Synod but if a voidance of the See occur before such next session of the Synod the remaining members of the Board may fill up the vacancy in their number and the acts of the Board whether complete in number or otherwise shall be valid to all intents and purposes whatsoever.
	6. When a Bishop intends to resign he shall notify such intention and the date on which it is to take effect in writing to the Metropolitan, or, where there is no Metropolitan, to the Primate, and also to the person appointed under Section 15 hereof to administer the affairs of the Diocese during a vacancy in the See (who for the purposes of Sections 8, 9, 10, 11 and 12 hereof is called "the Administrator"). On and after such date the See shall be deemed vacant.

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- Bishop's rights as to withdrawal Amended: No. 2, 1976
7. The Bishop may withdraw his notification of his intention to resign at any time before the date named therein, or alter that date, by further notification in writing to the persons named in Section 6 hereof.
- Board to proceed No 3, 2019 Repeal and insertion of new section
- 8(1) The Administrator (as defined in section 6) may convene the Board of Electors at any time after the receipt of a notification under section 6.
- 8(2) The Board of Electors may, having been convened, undertake such activities as it deems appropriate for the purposes of identifying and consulting with potential candidates for election but may only proceed to an election in the circumstances set out in section 8(3).
- 8(3) The election of a new bishop shall be held on a date fixed by the Board of Electors that is no more than 40 days before the date on which the retiring bishop's resignation takes effect.
- 8(4) Where an election has been held on a date prior to the date on which the retiring bishop's resignation takes effect, the announcement of the result of the election shall be made no sooner than the day upon which the retiring bishop lays up their staff.
- Proceedings if Election ineffective
9. When any such election shall have been made if effect cannot be given thereto the Administrator shall notify the same to the Board of Electors and thereupon the like proceedings shall be taken as are herein directed in the case of an original election and so on "toties quoties" until a Bishop shall have been elected and installed.
- Majority of Clerical and Lay Members must assent to Election
10. The members of the Board shall have power to decide as to all matters connected with the election but no election shall be valid unless a majority of the Clerical and a majority of the Lay members of the Board certify in writing to the Administrator their assent thereto.
- Proceedings if Board fail to elect within twelve months Amended: No. 2, 1976
11. In case of a vacancy in the See if any Board of Electors shall for a period of twelve months fail to elect a Bishop and to notify such election to the Administrator such Board shall "ipso facto" be dissolved and a new Board of Electors shall be constituted in manner following: The Administrator shall with all convenient speed for the purpose of electing another Board of Electors call a meeting (of which at least one month's notice specifying the objects thereof shall be given) of the persons who at the time of such failure shall be members of an existing Synod or who if no Synod be then existing shall have been members of the last preceding Synod at the time of its dissolution and the Administrator shall be the President of such meeting the business of which shall be conducted according to the standing orders of the Synod so far as they may be applicable and the Administrator shall in the notice calling such meeting fix a day for proceeding to the election of a new Board of Electors which election shall take place in accordance with the provisions of this Act and the persons elected shall take the place of the last preceding Board and shall have and exercise all the powers conferred upon such Board. Provided that the provisions of the Regulation of Elections Act 1911-1995 and any Acts amending the same as to the days of nomination and election shall not apply to such election.

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Steps required to give effect to Election
Amended:
No. 2, 1976
No. 9, 1993
Affected by
No. 2, 1974 - 1973
General Synod
Canon No. 4, 1966

12. Upon an election having been made the Administrator shall take the necessary steps for giving effect thereto in accordance with the rules for the confirmation and consecration of Bishops heretofore or hereafter to be made by the General Synod of the Anglican Church of Australia and adopted by this Synod.

Entitlement of resigned Bishop to Administer
Inserted:
No. 2, 1976
Amended:
No. 9, 1993

12A. During the period between the resignation of a Bishop and installation of his successor the Bishop who shall have resigned may administer the affairs of the Diocese for the whole or part of that period if he so elects by notification in writing made prior to his resignation to the persons named in Section 6 hereof providing he continues to reside within the limits of the Diocese and so long as he shall continue to administer such affairs he shall be the Administrator of the Diocese within the meaning of this Act (save for the purposes of Section 6, 8, 9, 10, 11 and 12 hereof and of the "See Finance and Information Canon 1966" of the General Synod of the Anglican Church of Australia in which Sections and Canon the word "Administrator" shall be deemed to refer to the person who would have been the "Administrator" within the meaning of this Act had the Bishop not elected to administer in the terms of this section) and shall be entitled to the use of the episcopal residence and to all the emoluments and advantages appertaining to such Bishopric anything in this Act to the contrary in anywise notwithstanding.

Powers of an installed Bishop
Amended:
No. 2, 1976
No. 9, 1993

13. When a Bishop of Wangaratta shall have been installed he shall subject to all Acts of this Synod now or hereafter to be in force be a Bishop within the meaning of "The Church Constitution Act 1854 (18 Vict. No. 45), The Trust Corporation Act 1884 (48 Vict. No. 797), The Church of England Constitution Act 1960 (No. 6626) and all amendments to the said Acts of the Parliament of Victoria heretofore or hereafter to be made and shall have and may exercise within the limits of the Diocese of Wangaratta all the powers and authorities which a Bishop of the Anglican Church of Australia may lawfully exercise within his Diocese and shall be for all purposes the successor of the last preceding Bishop of Wangaratta.

During absence of Bishop from his See, rights, powers, etc., of Vicar-General or Commissary

14. Every person appointed Vicar-General or Commissary by the Bishop by writing under his hand registered in the Registry of the Diocese shall and may during the absence of the Bishop from his See until such appointment shall be revoked and its revocation registered as aforesaid use and exercise do and perform from time to time according to the Commission of such Vicar-General or Commissary all and every the authorities powers acts matters and things whatsoever which the Bishop is or may be empowered or required to use exercise do or perform by virtue of any Act or Acts of the said Synod heretofore or hereafter to be passed and every authority power matter or thing so used exercised done or performed by such Vicar-General or Commissary under or by virtue of such his Commission shall be as good and effectual to all intents and purposes as if the same had been used exercised done or performed by the Bishop. And in the event of no Vicar-General or Commissary having been appointed or commissioned as aforesaid or in the event of his having been so appointed and of his dying or becoming incapable or unwilling to act the said authorities powers acts matters and things shall and may be used exercised done and performed during such absence by the Dean or in the absence of the Dean or if no Dean shall have been appointed by the Archdeacon senior in date of collation for the time being who shall be in the Diocese. And if there shall be no Dean or Archdeacon or if the Dean and Archdeacon shall be absent or become incapable or unwilling to act then the Metropolitan of the province within which the Diocese of Wangaratta shall be situated or the Primate or Senior

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Bishop exercising for the time being the functions of the Primate may at the request of the Chancellor or the Registrar of the Diocese appoint a person who shall use and exercise do and perform during such absence all the said authorities powers acts matter and things.

During Vacancy of See Vicar-General to be Administrator and to receive one moiety of income Amended: No. 2, 1976

15. During a vacancy of the See of Wangaratta the said Vicar-General or Commissary appointed and commissioned 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 Dean or in the absence of the Dean or if no Dean shall have been appointed the Archdeacon senior in date of collation for the time being who shall be in the Diocese or other person appointed by the Metropolitan Primate or Senior Bishop under the powers of the preceding section shall be the Administrator of the Diocese within the meaning of this Act and subject to the rights given to a resigning Bishop in Section 12A shall administer the affairs of the Diocese in accordance with the Acts resolutions and regulations of this Synod regulating the administration of such affairs by the Bishop and shall and may exercise the said powers and authorities respectively until a new Bishop of the said See shall have been consecrated and installed and the person so administering the affairs of the Diocese shall during the time of such administration be entitled to one moiety of the income appertaining to such Bishopric. The remaining moiety shall accumulate during the vacancy of the See. Immediately after the installation of the new Bishop he shall be paid a sum therefrom determined by the Bishop in Council but not less than five hundred dollars, and the balance of such moiety if any shall be applied to the maintenance and repair of the episcopal residence or such other purpose as the Bishop in Council may determine.

Death, resignation or incapacity of Administrator Inserted: No. 6, 1997

- 15A. In the event that the Administrator, subsequent to him assuming the administration of the affairs of the Diocese pursuant to the provisions of Section 15 of this Act, should die, resign that office or become incapable of acting, then one of the other officers named in that section and in the order there so named shall be the Administrator of the Diocese in the place of and with the same powers and privileges as the person who has died, resigned or become incapable of acting.

Rights powers etc. of Vicar-General or Commissary during Vacancy of See

16. The Administrator may during the vacancy of the See do and perform subject to the Acts Resolutions and Regulations of this 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 for the efficient management of such affairs. And any person holding at the time of the happening of such vacancy any office to which he shall have been duly appointed by the Bishop may unless removed by competent authority hold the same and continue to perform the duties thereof until a new Bishop shall be installed. And the Administrator may subject to the Acts Resolutions and Regulations aforesaid appoint fit and proper persons to fill during the vacancy of the See any lay office held by any person appointed by the Bishop which shall during such vacancy become vacant by death resignation or otherwise.

Meetings of members of Synod during vacancy of See Inserted: No. 6, 1997

17. (1) Without prejudice to the special provisions of Section 11, the Administrator during a vacancy of the See may at his discretion convene and shall preside at meetings of members of Synod, being the persons who at the time of the See becoming vacant were members of

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an existing Synod or who if no Synod were then existing had been members of the last preceding Synod at the time of its dissolution.

- (2) The Administrator shall give at least one month's notice in writing of such a meeting to such members of Synod.
- (3) Any meeting so convened may transact any business that might be transacted by Synod, save for the making of any Act, regulation or resolution to which the assent of the Bishop is necessary under Section 2 of the Church of England Act 1854.
- (4) The provisions of The Synod Act 1904-1994 (as amended from time to time), The Standing Orders Act 1993-1996 (as amended from time to time) and The Regulation of Elections Act 1911-1993 (as amended from time to time) shall apply to such meetings to the extent possible in the circumstances with such adaptations for that purpose as the Administrator with the agreement of the meeting shall determine.

Proof of incapacity
etc. (other than the
Bishop)
Inserted:
No. 6, 1997

- 18. For the purposes of Sections 14, 15 and 15A of this Act a person (other than the Bishop) shall be considered "incapable" or not "capable" if that person has so advised the Registrar by notice in writing supported by a medical certificate to that effect or the Council of the Diocese has so determined on the basis of written reports from at least two medical practitioners to that effect.

Act Passed: 11th October 1904
Assented to: 10th November 1904

Act Amended by Act No. 2, 1976 Passed: 2nd August 1976
Assented to: 23rd August 1976

Act Amended by Act No. 9, 1993 Passed: 27th August 1993
Assented to: 15th September 1993

Act Amended by Act No. 6, 1994 Passed: 27th May 1994
Assented to: 7th June 1994

Act Amended by Act No. 6, 1997 Passed: 29th August 1997
Assented to: 4th September 1997

Act Amended by Act No 3, 2019 Passed: 31st August 2019
Assented to: 31st August 2019

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