

**THE CONSTITUTION ORDINANCE 1994**

**ADOPTING ORDINANCE 1994**

**No. 5 OF 1994**

*AN ORDINANCE*

To adopt the "Constitution Ordinance 1994" being an Ordinance of the Provincial Synod of the Province of New South Wales to amend the Schedule to the Anglican Church of Australia Constitution Act 1902.

*PREAMBLE*

WHEREAS it is desirable that the Constitution Ordinance 1994 of the Provincial Synod of the Province of New South Wales should be adopted by the Diocese of Grafton.

THEREFORE the Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled decree and enact as follows:

*SHORT TITLE*

1. This Ordinance may be cited as the "Constitution Ordinance 1994 Adopting Ordinance 1994."

*ASSENT*

2. The Constitution Ordinance 1994 as set out in the Schedule hereto is hereby adopted.
3. This Ordinance, with exception of Section 4, shall come into effect on the first day of September, 1994.
4. If these amended Constitutions are ratified by General Synod, then any reference in the Ordinances of this Diocese to the Constitutions contained in the Schedule to the Anglican Church Constitutions Act 1902 shall be read and construed as a reference to the Constitutions contained in the Schedule to the Anglican Church Constitutions Act 1902 as amended by the Constitutions Ordinance 1994. This Section shall come into effect upon such ratification by General Synod.

## SCHEDULE

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### CONSTITUTION ORDINANCE 1994

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No. 1, 1994

AN ORDINANCE to amend the Schedule to the Anglican Church of Australia Constitution Act 1902.

WHEREAS it is expedient to amend the Schedule to the Anglican Church of Australia Constitution Act 1902.

5 NOW the Provincial Synod of the Church in the Province of New South Wales pursuant to the powers conferred on it by Article 29 in the Schedule to the Anglican Church of Australia Constitution Act 1902 prescribes as follows.

#### Citation

10 1. This Ordinance may be cited as the "Constitution Ordinance 1994".

#### Amendment of Schedule

15 2. The Articles and provisions of the Constitutions contained in the Schedule to the Anglican Church of Australia Constitution Act 1902 are amended by omitting Articles 1 to 28, and the headings to those Articles, and by inserting instead the Articles and headings in the Schedule to this Ordinance.

## SCHEDULE

### Diocesan Synod to be held

20 1. (1) The members of the Anglican Church of Australia in each Diocese within the State shall meet in Synod as hereinafter provided.

25 (2) The Synod in each Diocese shall be convened at least once in every year by summons of the Bishop of the Diocese, stating the time and place of meeting.

30 (3) The Synod of the Diocese of Canberra and Goulburn may include persons elected or appointed as members of that Synod in accordance with the laws of the Australian Capital Territory.

35 (4) The Synod of that Diocese as so constituted is to be the Synod of the Diocese for the purposes of these Constitutions.

### Power of Synod generally

40 2. (1) The Synod of each Diocese may make ordinances upon and in respect of all matters and things concerning the order and good government of the Anglican Church of Australia and the regulation of its affairs within the Diocese, subject only to the Anglican Church of Australia Constitution Act 1961 and any other Act in force in this State.

45 (2) All ordinances of the Synod shall be binding upon the Bishop and the Bishop's successors and all other members of the Church within the Diocese, by only so far as the same may concern their respective rights, duties, and liabilities as holders of any office in the Church within the Diocese.

### Specific Powers

50 3. (1) Nothing in this Section shall limit the power conferred on the Synod of a diocese under clause 2.

(2) The Synod of each Diocese may call upon any person holding property belonging to or held in trust for the Church in the Diocese or any part thereof, or in which the Church or

55 any part thereof is in any manner interested, to render a full account of all such property, and  
of the manner in which the same and every part thereof is applied and disposed of.

60 (3) The Synod of each Diocese by ordinance may make provision for dealing with  
cases of incapacity for, or inefficiency in, the discharge of ministerial duty by members of  
clergy licensed by the Bishop of the Diocese.

65 (4) The Synod of each Diocese shall have power to determine by ordinance in what  
cases the licence of a member of clergy licensed by the Bishop of the Diocese may be  
suspended or revoked. Any such licence may be suspended or revoked by the Bishop of the  
Diocese at the request of the member of the clergy, or (after opportunity given to that member  
of the clergy to show cause) in such of the said cases as the Synod shall by ordinance  
determine, save as aforesaid, the licence shall not be suspended or revoked, except as a  
consequence of a judgment or finding of the tribunal or of some other court of competent  
jurisdiction.

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#### Rules for conduct of business

4. (1) The Synod of each Diocese may make rules for:-

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(a) the conduct of all business coming before it;

(b) trying the validity of the election of any representative;

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(c) supplying any vacancy in the Synod which may be occasioned by death,  
resignation, or any other cause; and

(d) determining for what reason any representative shall be disqualified from  
sitting and voting in the Synod.

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(2) The Synod of each Diocese may make rules for:-

(a) subject to clause 1(2), altering the periods within which and the manner  
in which subsequent Synods shall be convened;

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(b) the mode of electing representative members;

(c) regulating the number of the clergy and representative members to be  
respectively summoned to any future Synod; and

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(d) as to the manner in which such regulation shall be effected, and as to  
the number necessary to constitute a quorum.

(3) The rules in force when this clause takes effect shall continue to apply until  
varied pursuant to this clause.

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5. Notwithstanding anything in clause 4 or any rule made thereunder:-

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(a) every ordinance, rule or resolution of a Synod shall be made by a  
majority of the clergy and other members present and voting collectively,  
provided that a synod may determine that a special majority be required  
for any particular matter or class of matter before it;

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(b) if any eight members of one order shall so desire, votes on any  
ordinance, rule or resolution shall be taken by orders and on such vote a  
majority of members of each order present and voting shall be required;

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(c) no ordinance shall take effect or have any validity unless within one  
month after the passing of the same the Bishop shall signify assent  
thereto in writing provided that any ordinance to which the Bishop shall  
not assent may be referred by resolution of the Synod, to the Provincial

Synod and if the Provincial Synod shall assent to the ordinance, the ordinance shall take effect on the Provincial Synod giving its assent.

120 (d) the Bishop of the Diocese, or in the absence of the bishop a commissary appointed by such Bishop in writing, or, in the absence of the Bishop and of such commissary, a person selected by the Synod shall be president of the Synod, and may adjourn, prorogue, and dissolve the same with the concurrence of the Synod: and

125 (e) it shall not be lawful for the president to vote on any question or matter arising in the Synod.

#### Membership of Synod

130 6. (1) The Synod of a diocese, shall determine by ordinance the classes of persons who shall be summoned to any future synods and the rules which shall apply regarding any necessary qualifications or conduct of elections or other means of determining the membership of such classes.

135 (2) The rules in force when this provision takes effect shall continue to apply until varied pursuant to this clause.

#### Delegation

140 7. (1) The Synod may confer by ordinance upon a body of persons constituted or appointed by it the specific powers to make ordinances under section 2(1) and to make demands under section 3(2).

145 (2) The power to make ordinances conferred by section 7(1) shall not extend to ordinances referred to in section 3(3), 3(4) or 6 or confer power to vary rules made under section 4.

150 (3) The provision of section 5 shall apply to that body of persons as if that body were the Synod except that any three persons may make a request under section 5(b).

(4) The Synod may prescribe the procedure to be followed by that body of persons.

#### Provincial Synod

155 8. (1) The Bishops and clerical and lay representatives of the Church in the several dioceses in the State of New South Wales shall meet in Provincial Synod under such articles and provisions as may have been, or may be from time to time, passed by the Provincial Synod, and assented to by all the said Dioceses.

160 (2) For the purpose of holding any session of the Provincial Synod, the Bishop of Sydney as the Metropolitan Bishop shall, by writing under such hand and seal, summon the Bishop of each of the said Dioceses, and require such Bishop to convene representatives of the Church in such Diocese at such time and place as the Metropolitan may deem fit.

#### 165 Provision as to new dioceses

9. The provisions of these constitutions shall, save as hereinbefore provided, be held to be binding upon any new Diocese which shall be hereafter constituted in the State.

#### 170 Defects and errors as to elections, etc.

175 10. No rule, ordinance, or determination of any Diocesan Synod, or of any Provincial Synod, shall be vitiated by reason of the non-election, or non-appointment, or non-summoning of any person necessary to be elected, or appointed, or summoned thereto, respectively, or of any informality in or respecting any such election, appointment, or summoning.

Absence, etc. of Bishop

180 11. In case of the absence from the Province of the Bishop of any Diocese, such Bishop  
may appoint a commissary who may exercise the powers vested in such Bishop by these  
Constitutions and in case no such commissary shall have been appointed, or the See be vacant,  
such powers shall be exercised by the person who shall have been appointed to administer the  
185 Diocese under the provisions of an ordinance of Synod or if no such appointment has been  
made by the person who shall then be the next in ecclesiastical rank or degree in the Diocese,  
and resident therein, until the return of the Bishop or the assumption of office by such Bishop's  
successor.

Registration of Ordinances

190 12. (1) The Registrar of each Diocese shall keep a full and complete set of all the  
Ordinances passed by the Synod of such diocese and shall make available a copy of any  
Ordinance requested by a member of this Church upon payment of a reasonable charge for  
copying and transmitting such copy.

195 (2) The Registrar of each diocese shall at least once in each year send to both the  
Provincial Registrar and the General Synod Office a copy of each Ordinance of the Diocese  
passed during the preceding twelve months.

Amendment of these Constitutions

200 13. These articles and provisions may be amended by an ordinance passed by the Provincial  
Synod of the Church in the Province of New South Wales and adopted by the Synod of each  
Diocese in that Province if the amendment is ratified by, or made in accordance with, a canon  
of the General Synod of the Church.

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


P.W. Young  
Chairman of Committees

WE CERTIFY that the foregoing Ordinance was passed by the Provincial Synod of New South  
Wales this 15th day of February 1994.


W. G. S. Gotley  
B. J. McAteer  
Secretaries of Provincial Synod

15th February 1994

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
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Chairman of Committees

I certify that this Ordinance was passed by Synod on the 28th day of August, 1994.

  
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Registrar

I assent to this Ordinance.

  
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+ *Bonnie Grafton*  
Bishop