

**THE CONSTITUTION (APPELLATE TRIBUNAL) AMENDMENT CANON 2017
ASSENTING ORDINANCE 2019
Ordinance No. 9 of 2019**

The Constitution (Appellate Tribunal) Amendment Canon 2017 was passed by the Seventeenth Session of General Synod to amend the Constitution of the Anglican Church of Australia with regard to the Appellate Tribunal.

PREAMBLE

Whereas The Constitution (Appellate Tribunal) Amendment Canon 2017 as set out in the Schedule hereto was passed by the Seventeenth Session of the General Synod; and

Whereas it is desirable that The Constitution (Appellate Tribunal) Amendment Canon 2017 of the General Synod of the Anglican Church of Australia be assented to by the Diocese of Grafton;

Therefore, the Bishop-in-Council in pursuance of powers provided in clause 48.2 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

ASSENT

1. The Diocese of Grafton assents to The Constitution (Appellate Tribunal) Amendment Canon 2017 which was Canon 2, 2017 of the Seventeenth Session of the General Synod of the Anglican Church of Australia and set out in the Schedule hereto.

COMMENCEMENT

2. This Ordinance shall come into effect upon receiving the assent of the Bishop.

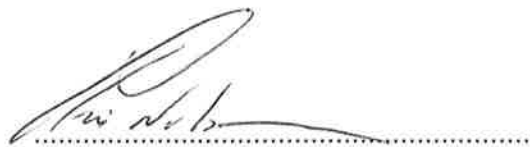
SHORT TITLE

3. This Ordinance may be cited as the Constitution (Appellate Tribunal) Amendment Assenting Ordinance 2019.

ASSENT

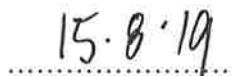
We hereby certify that this Ordinance was passed by Bishop-in-Council on the Fifteenth day of August, 2019 and that the Ordinance as printed is in accordance with the Ordinance as passed.


.....
Chair of Committees


.....
Registrar

I assent to this Ordinance.


.....
Bishop


.....
Date

SCHEDULE

CONSTITUTION (APPELLATE TRIBUNAL) AMENDMENT CANON 2017

Canon 2, 2017

The General Synod prescribes as follows.

Title

1. This Canon is the Constitution (Appellate Tribunal) Amendment Canon 2017.

Continuing to hear part-heard matters

2. After s 57(1) of the Constitution, insert:

"(1A) Despite s 57(1), the General Synod may by canon provide for -

- (a) a member of the tribunal whose office is to be vacated, but who is participating in the disposition of an appeal, question or matter made or referred to the tribunal where that appeal, questions or matter will not be disposed of before the date on which the member's office is to be vacated, continuing as a member of the tribunal for the purposes only of participating in and concluding that appeal, question or matter even though the office of that member will for all other purposes be vacated on that date;
- (b) the appointment of a qualified person to take the place of a member who is unable to participate in the disposition of an appeal, question or matter (whether because that member's office is vacant, or the member is disqualified or for some other reason) for the purposes only of participating in the disposition of that appeal, question or matter; and
- (c) a person referred to in paragraph (b) who is participating in the disposition of an appeal, question or matter made or referred to the tribunal continuing to participate in the disposition of that appeal, question or matter until it is concluded.

(1B) A person participating in the disposition of an appeal, question or matter by virtue of a canon of the General Synod made under sub-section (1A) is not a member of the tribunal for the purposes of the first sentence in sub-section (1)."

Removal of right of co-option

3. In section 57(2) of the Constitution the words "and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office" are repealed.

Repeal of Canon No 3 of 2010

4. Canon No. 3 of 2010 (Constitution Amendment (Appellate Tribunal Part Heard Matters) Canon 2010) is repealed.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 4th day of September 2017.

Dated: 8 September 2017

(sgd) Katherine Bowyer

Clerical Secretary

(sgd) Timothy Reid

Lay Secretary