

Provincial Synod Constitution Ordinance 1907-1998

As amended by an unnamed ordinance in 1917, the Provincial Synod Constitution Ordinance of 1907 Amending Ordinance of 1957, the Provincial Synod Constitution (Amendment) Ordinance 1970, the Provincial Synod Constitution Ordinance of 1907 Amending Ordinance 1984, the Provincial Synod Constitution Amendment Ordinance 1998 and the Provincial Synod Constitution Amendment Ordinance 2011.

Under the 1998 Ordinance, the 1907 Ordinance may be cited as the Provincial Synod Constitution Ordinance 1907-1998.

An Ordinance for agreeing to, accepting and passing Articles and Provisions as and for the Constitution of the Provincial Synod of the Province of New South Wales.

¹ WHEREAS by the twenty-third of the Constitutions for the management and good government of the Anglican Church of Australia within the State of New South Wales, as the same are contained in the Schedule to the "Anglican Church of Australia Constitutions Act Amendment Act 1902" it is provided that the Bishops and Clerical and Lay Representatives of the Church in the several Diocese in the said State 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. AND WHEREAS it is now expedient to pass Articles and Provisions substitution for any which may have been passed and assented to as aforesaid the Provincial Synod of the Province of New South Wales ordains and rules as follows:

1. The several Articles and Provisions of the Constitution contained in the Schedule to this Ordinance shall be and the same are hereby agreed to accepted and passed as those under which the said Provincial Synod shall meet.

2. All Articles and Provisions which may have heretofore been passed by the Provincial Synod and accepted by all the said Dioceses as aforesaid are hereby repealed but such repeal shall not prejudice or affect the operation of such last mentioned Articles and Provisions or any proceeding matter or thing lawfully done or contracted to be done thereunder prior to the acceptance of this Ordinance by all the said Dioceses.

² 3. This Ordinance may be cited as the Provincial Synod Constitution Ordinance 1907-1998.

SCHEDULE

CONSTITUTION FOR THE PROVINCIAL SYNOD OF THE PROVINCE OF NEW SOUTH WALES

Provincial Synod to be Constituted. Metropolitan

1. The Provincial Synod shall be constituted of the Bishops of all Dioceses within the State of New South Wales and of clerical and lay representatives of the Church in the said Dioceses. And such Synod shall be called "The Provincial Synod of the Province of New South Wales." And the Bishop of Sydney for the time being shall be known and designated as Metropolitan.

To Consist of Three Houses

³ 2. The Provincial Synod shall consist of three Houses, namely the House of Bishops, the House of Clergy and the House of Laity. The three Houses shall sit together in full Synod and shall deliberate and transact business therein and shall vote together unless a vote by Houses is required by not less than three members of the House of Bishops or by five members of the House of Clergy or by five members of the House of Laity.

In the event of a vote by Houses being required, all questions shall be put first to the House of Laity, then to the House of Clergy and finally to the House of Bishops and no question shall be deemed to be resolved in the affirmative by Provincial Synod unless it is so resolved by a vote of the majority of those present in each of the three Houses.

A House by a majority of its own members voting may decide to consider separately any matter in debate whereupon further discussion of the matter shall be postponed until there has been an opportunity of separate consideration.

Representatives of Dioceses

- 4 3. The Diocese of Sydney shall be entitled to send to any future Synod five clerical and five lay representatives.

The Diocese of Newcastle shall be entitled to send two representatives of each order as aforesaid.

The Diocese of Canberra and Goulburn shall be entitled to send two representatives of each order as aforesaid.

The Diocese of Armidale shall be entitled to send one representative of each order as aforesaid.

The Diocese of Bathurst shall be entitled to send one representative of each order as aforesaid.

The Diocese of Grafton shall be entitled to send one representative of each order as aforesaid.

The Diocese of Riverina shall be entitled to send one representative of each order as aforesaid.

When Synod to Meet

4. Sessions of the Provincial Synod shall be convened by the Metropolitan -
- (a) at such times as he may determine;
 - (b) at such times as he may be requested in writing so to do by a majority of the other Bishops of the said Dioceses.

Provided that a period exceeding five years shall never be allowed to intervene between any two sessions and that the Metropolitan shall convene Synod accordingly.

Manner of Convening Synod

5. For the purpose of holding any Session of the Provincial Synod the Metropolitan shall by writing under his hand and seal summon the Bishop of each of the said Dioceses to meet at such time and place as the Metropolitan may determine and each of the said Bishops including the Metropolitan shall summon the representatives of his Diocese to meet at such last mentioned time and place.

President of Synod, &c.

6. The Metropolitan, or in his absence the Bishop who is present senior in consecration shall be President of the House of Bishops and of the Provincial Synod. And the President may with the concurrence of the Synod adjourn the same. And the President may take part in any discussion and vote on any question or matter arising therein.

Rules for Business, &c.

- 5 7. The Provincial Synod shall have power to make rules for the conduct of all business coming before it, and to make rules for trying the validity of the election or appointment of any person claiming to be a member thereof.

Powers of Synod

8. The Provincial Synod shall have power to make ordinances upon and in respect of all matters and things concerning the order and good government of the church in the Province. Provided that no Ordinance save as is next hereinafter provided shall be binding upon the church in any Diocese, unless and until such Ordinance shall be accepted by the Church in such Diocese by an Ordinance of its Synod. Provided however that any Rule or Ordinance passed by any Diocesan Synod to which the Bishop of that Diocese shall not assent may be the subject of reference by such Diocesan Synod to the Provincial Synod, and the decision of the Provincial Synod with reference thereto shall be binding on the Church in the Diocese so referring such Rule or Ordinance.

- 6 9.

Nothing in Contravention of the Laws

10. No rule ordinance or determination of the Provincial Synod shall be made in contravention of any law or statute in force for the time being in the said State.

Synod May Delegate Powers

11. The Provincial Synod may appoint Committees either under special instructions or under such general regulations as shall from time to time be laid down by the Synod for the purpose of carrying into effect any Ordinances and Rules which have been passed by the Synod.

Quorum

- 7 12. The presence of at least three bishops of the House of Bishops and seven clerical representatives of the House of Clergy and seven lay representatives of the House of Laity representing at least two Dioceses shall be necessary to constitute a quorum.

Defects and Errors as to Elections. &c. not to Vitate Proceedings

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

Absence, &c. of the Metropolitan

14. In the case of the death, absence from the State or incapacity of the Metropolitan the functions of the Metropolitan under this Constitution shall be exercised by the Senior Bishop of the said Dioceses present in the State and able and willing to act, seniority being seniority of consecration.

Provincial Conferences

- 8 15. The Metropolitan or the Metropolitan at the request of three other Diocesan Bishops, shall convene a Provincial Conference. All members of the synod will be invited together with such other persons as each Diocesan Bishop may invite. The business of the Conference will be determined by the Metropolitan in consultation with the other Diocesan Bishops.

Alteration of the Constitution

16. The Provincial Synod may from time to time pass Articles and Provisions altering this Constitution saving Clauses 9 and 10 thereof. Provided that no such article or provision shall have any force or effect unless and until it has been assented to by each of the said Dioceses by an Ordinance of its Synod.

- 9 17.

Endnotes

1. The Church of England Constitutions Act Amendment Act of 1902 is given its contemporary name authorised by Section 4 of the Anglican Church of Australia Act 1976
2. Clause 3 of the Ordinance amended by Ordinance in 1998, ratified by General Synod Canon No 1, 2011
3. Clause 2 of the Schedule amended by Ordinance in 1917. Repealed and replaced by Ordinance in 2011, ratified by General Synod Canon No 15, 2017
4. Clause 3 of the Schedule amended by Ordinances in 1957 and 1984. Repealed and replaced by Ordinance in 2011, ratified by General Synod Canon No 15, 2017
5. Clause 7 of the Schedule amended by Ordinance in 1957
6. Clause 9 of the Schedule deleted by Ordinance in 1998, ratified by General Synod Canon No 1, 2001
7. Clause 12 of the Schedule amended by Ordinances in 1957 and 1970. The 1970 amendment was ratified by General Synod Canon No 2, 2004
8. Clause 15 of the Schedule deleted by Ordinance in 1970, ratified by General Synod Canon No 2, 2004. New clause 15 inserted by Ordinance in 2011, ratified by General Synod Canon No 15, 2017
9. Clause 17 of the Schedule deleted by Ordinance in 1970, ratified by General Synod Canon No 2, 2004