

THE ANGLICAN CHURCH OF AUSTRALIA
FIFTEENTH GENERAL SYNOD 2010

Melbourne

18-23 September 2010

GENERAL SYNOD PAPERS

BOOK 1

SYNOD PROCESS AND ELECTIONS

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INTRODUCTION

Welcome to the Fifteenth Session of the General Synod of the Anglican Church of Australia.

This Book 1 of the Synod papers is intended to introduce members of the General Synod to the processes of a session of the General Synod.

The book contains materials outlining the nature of the General Synod, the usual daily processes and a guide to the manner in which the business of the session can be conducted appropriately in a context of Christian fellowship.

There is a chapter about the Anglican Communion which provides background to the discussion on the proposed Anglican Communion Covenant.

An important feature of this book is the Notice of Elections given pursuant to Section 3 of Rule III, followed by information about the election process.

To assist members to navigate their way, the book includes copies of the *Constitution, Rule I – Standing Orders* which govern the day-to-day processes of a session of the General Synod and *Rule III – Rules for the Conduct of Elections ordered to be made by the General Synod*, each of which has a bearing on elections.

Please note that the Business Paper which will be distributed closer to the session's commencement will contain proposals to amend Standing Orders and Rule III which, if successful, will alter some of the processes described in this book.

Chapter 1 WHAT IS THE GENERAL SYNOD?

A SYNODICAL TRADITION

In the earliest days of Christianity, Christian people gathered together in order to try and identify God's will for them as individuals and as a community of people. Those early assemblies became an important part of the heritage of Christianity. The Synods of the Modern Anglican church derive from that tradition. They represent the belief of the early Christians that God gave gifts to each and that God's spirit guided the whole community. So the whole church was to meet together to seek God's will. In modern times that has happened by Synods which have been made up of representatives of the wider church.

OUR SYNOD IS A COMING TOGETHER OF THE PEOPLE OF GOD

In Anglicanism there is a strong tradition of authority to decide belonging to the whole church. That is why lay and ordained are both included.

The Synod is a way for us to come together as a group of Anglican Christians to share the concerns that we have about our Christian faith and practice and to discern God's will for us as a Christian community.

This sharing takes place through common worship, legislative processes, considering motions, information sessions and informal fellowship.

Historically the Church has used parliamentary models in decision making because for many centuries parliament was the way in which decisions were made in the Church of England because of the established position of the church. In Australia, that has not been our relationship with the state and we have taken over parliamentary models almost by accident. Our models of decision making are expressed in Rule I – Standing Orders.

Over the course of recent Synods, some alternative methods of decision making have been trialled for the management of amendments to bills and motions and for group discussion to facilitate the way forward on complex or contentious issues. Successful innovations have been incorporated into the Standing Orders and continue to evolve.

To assist all members of Synod, the Standing Orders have been printed as Chapter 8 of this volume.

Between sessions of the General Synod, its business is conducted by the Standing Committee and through various committees, Working Groups, Commissions and Task Forces.

OUR CONSTITUTIONAL OBLIGATIONS

We come together on the basis of the Constitution of our Church.

According to our Constitution we come as a community which holds the Christian faith as professed by the Church of Christ from primitive times. We receive all the canonical Scriptures of the Old and New Testament as being the ultimate rule and standard of faith, given by inspiration of God. We are committed to obey the commands of Christ to teach his doctrine, to administer his sacraments of Holy Baptism and Holy Communion and to uphold and preserve his discipline and preserve of the three orders of bishops, priests and deacons in the sacred ministry. These represent not only our shared heritage but our shared commitment.

So we come to this Synod in faithfulness, for guidance, as we seek to fulfil our vocations as Christians in Australia.

The General Synod exists in order to shape how we relate to each other as a national Christian community and how we might be faithful in this society, for its spiritual, moral and social welfare.

Section 26 of the Constitution grants power to the General Synod to:

- Make canons, rules and resolutions relating to the order and good government of our Church, including canons in respect of ritual, ceremonial and discipline;
- Make statements as to the faith of our Church;
- Declare its view on any matter affecting our Church;
- Declare its view on any matter affecting spiritual, moral or social welfare; and
- Take such steps as may be necessary or expedient in furtherance of union with other Christian communions.

All of the particular ways in which we do things when we meet as a General Synod are simply the means for advancing the Kingdom of God through:

- Being Christian with each other;
- Being faithful and active in this society; and
- Relating co-operatively and creatively with other Christian bodies.

Chapter 2 A DAY IN THE LIFE OF A SYNOD REPRESENTATIVE

A personal guide by Robert Tong AM¹

Congratulations! Maybe it was your Bishop's suggestion that you be a representative of the Diocese at the next General Synod – or maybe you were part of a contested election – or you are a new Diocesan Bishop. In any event the Fifteenth General Synod of the Anglican Church of Australia, Melbourne, 18-23 September 2010 now beckons you.

Welcome to the Synod. Even though we meet for only one week every three years the work to be done is of high importance. There will be moments of tension and interest, speeches of passion and times of sheer boredom when you will wonder: "Why am I here?"

But what we do to the framework and fabric of our Church impacts on Diocesan and Parish life sometimes visibly and immediately but often slowly over a period of time.

However it won't be all plain sailing especially if you are new to Synod.

- By the time you get to Synod you will more than likely regret not having taken up that speed reading course! Don't let the volume of paper overwhelm you: read it through quickly – it will generally be pretty obvious which bits need more careful reading – mark it with a highlighter as you read, make notes in the margin, flag key parts to find them easily and don't be intimidated by it.
- You'll soon discover that Synod operates in a very formal way that is probably quite foreign to anything you are used to. Have you ever sat in Federal Parliament or watched it late at night on the television? The way they do business can be very mysterious to an outsider. Ancient and arcane procedures and language similar to those in Parliament also clothe our own Synod procedures. They have been simplified a lot but more is to be done.
- It is important to follow what is going on during Synod if you are going to fulfil the responsibilities given to you as a Synod representative.

My aim in writing this note is to explain what it's all about in advance, what will happen next and what all that "jargon" really means.

There are four main sections.

¹ Robert Tong is a long-standing member of the General Synod and of the Synod of the Diocese of Sydney and its Standing Committee. This is an edited version of a paper regularly appearing in the Synod Process Book for sessions of General Synod. The General Synod acknowledges with gratitude its indebtedness to the author.

1. What's it all about?

- who we are, what we do, the big picture.

2. Getting ready.

- do you have your lunch money?

3. Day by day.

- are there really 6 days of this?

4. Glossary of terms.

- my explanation of key words you might hear used in Synod. These have been grouped under two headings: Standing Orders and The Australian Church. Keep a finger in there and check the meaning as you read.

1. WHAT'S IT ALL ABOUT?

Who we are?

The Synod consists of the House of Bishops, House of Clergy and House of Laity under the chairmanship of the Primate.

The House of Bishops consists of the 23 Diocesan Bishops and an Aboriginal Bishop and a Torres Strait Islander Bishop.

Each Diocese on the basis of a formula (see table at end of Constitution) sends lay and clerical representatives. These representatives form the respective houses of clergy and laity together with two lay and two clergy being one each Aboriginal and Torres Strait Islander.

What do we do?

I'm a lawyer, so how about a legal quote to explain what we do:

"...Synod may make Canons Rules and Resolutions relating to the order and good government of this Church including Canons in respect to ritual ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual moral or social welfare and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions." (Section 26 Constitution.)

That is, the Synod is responsible for the governance, i.e. the order and good government, of the Anglican Church of Australia.

Exercising the order and good government function is mainly by the creation of domestic rules known as Canons. (We'll talk more about how Canons are made later). Additionally resolutions are made which establish enquiries, urge action and initiate activity. You will see what I mean when you look at the Business Paper for the first day.

Many of the Canons can be found in a very useful book called *The Constitution Canons and Rules of General Synod 2007* – commonly called The Green Book. Synod procedures are governed by the Standing Orders (Rule I, page 363 of the Green Book). There is more about the Standing Orders in The Glossary at the end of this chapter.

The second important task of the Synod is to act as the electoral college (i.e. the people who vote) for the filling of positions on boards and committees. More about this shortly.

A third task is scrutiny of the Standing Committee and the various commissions, task forces, working groups and committees (Doctrine, Liturgy, Church Law etc) which serve the Synod between sessions.

2. GETTING READY

You will receive a considerable amount of paper work from the General Synod Office such as:

- Bills for Canons and Rules with Explanatory Memoranda;
- The report of the Standing Committee, including a report on actions to implement resolutions of the 2007 Synod, financial reporting and proposals for financing the Synod over the next triennium;
- Reports from other bodies established by the General Synod or associated with the Anglican Church of Australia.

The General Synod Office is always willing to provide assistance.

A bit earlier I mentioned that one of the key tasks of the Synod is elections. Chapter 6 of this book comprises the notice of elections. There are over 80 positions to be filled by election on a number of different bodies, with the prospect of some emergent elections as well. Would you like to stand? You will need a nominator and a seconder. Are you mature in the faith, do you have a special skill, will you “add value” to the committee? Then why not have a go? It is important to complete and return the biographical details sheet so that the electorate will know something about you as a candidate.

Most positions are for a three year term – that is until the next session of the Synod. Voting is conducted at the Synod on Wednesday and Thursday.

In your first mailing from the General Synod Office there was a schedule of mailings which you will receive before the Synod.

Before you leave for Synod have you:

- **Talked to your other Synod Representatives/your Minister, prayed about the issues?**
- **Acquired a Green Book? (Available from your Diocesan Registrar)**
- **Read all the papers the General Synod Office has sent you?**
- **Organised transport arrangements?**

3. DAY BY DAY

DAY 1

You have arrived, registered your attendance, collected the latest information pack and are ready to go.

If you are coming to the General Synod for the first time, you will have the opportunity on day 1 to attend a session at noon when a few experienced hands will give their impressions of the General Synod and tips on making the most of your time here.

We will all be called to order at 1:30 p.m. Corporate worship in the meeting hall will mark the start of Synod. Then follows the “State of the Church” address from the Primate, The Most Reverend Dr Phillip Aspinall, Archbishop of Brisbane.

The Primate presides over the Synod and the Standing Orders refer to him as “the President”. When you stand to speak you should address him “Mr President” or “Archbishop”.

After the Presidential Address we turn our attention to a number of housekeeping elections:

- **electing a Clerical Secretary and a Lay Secretary;**
- **electing a Chair and Deputy Chair of Committees;**
- **electing a Committee to resolve disputes about elections and qualifications;**
- **electing a Committee to arrange the order of business for the succeeding days of Synod; and**
- **electing a Minutes Reading Committee.**

The text of each motion is printed on the Business Paper for the first day. The Synod can only operate by making decisions on proposals (motions). Hence the saying, *“There must always be a motion before the chair”*.

The progress of canons since the last Synod is reported by the Primate.

So far we have watched set piece moves. The chance to take part is now upon us.

President: Are there any petitions?”

Petitions are relatively rare; a motion is needed to receive the petition. Even more rare is debate on whether the petition should be received – the subject matter must be highly controversial for a petition to be rejected.

President: “Are there any notices of questions?”

Here is your chance to ask a question about work of the General Synod and its agencies. You will not have an answer immediately. In fact, you are only giving notice of your question at this time:

“I give notice of the following question: Is there any requirement for Clergy to wear distinctive clerical dress when attending Synod?”

Your questions must be directed to matters connected with the business of the Synod. In your question you cannot make statements of fact or seek a legal opinion or draw an inference.

You will receive the opportunity to actually ask your question and get an answer tomorrow.

President: “Are there any notices of motion?”

When the notices of question have been exhausted, the President will ask “Are there any notices of motion?” You may at this point give notice of a motion you wish to move.

“I give notice of the following motion: That the Standing Committee investigate and report to the next Synod on the desirability and feasibility of printing at the back of A Prayer Book for Australia the Canons of 1604 or where a canon has been repealed its Australian replacement”.

The Call Over

When these Notices of Motion have been exhausted the President calls by number the motions printed on the business paper. This is the Call Over. Unless you or someone else stands and shouts “*Object*”, then the following exchange will more than likely take place:

President: “I call Jane Smith (the mover of the motion)”.

Jane Smith: “I move the motion standing in my name”.

President: “All agreed say aye. All against say no. I declare the motion carried”.

The Call Over allows Synod to formally pass (i.e. without debate) motions which convey greetings or are not controversial.

After the Call Over of the printed motions we go back and tackle the first of the printed motions.

Motions: What happens?

- The President calls the mover of the first motion printed in the section of the business paper headed "Motions at the Request of Synod or the Standing Committee".
- The mover has up to 15 minutes to make the case for the motion. The mover normally arranges for another person to "second" the motion. If the seconder chooses to speak it is done immediately after the mover and the seconder has 10 minutes.
- If you are the seconder but do not wish to speak you can indicate that you second the motion formally. Some seconders say "I second the motion formally and reserve my right to speak later in the debate." Strictly speaking it is not possible to "reserve your right to speak later". Your official chance is now. Later on you may be called, but it will be at the discretion of the President.
- After the mover and the seconder have spoken the President will ask: "Does anyone wish to speak against the motion or move an amendment?". If there is silence then the President will ask the Synod to indicate by voice whether they are for or against the motion. If the volume of noise is about the same then there will be a show of hands with a count to decide the issue. It is possible to have a ballot but this is extremely rare.
- Do you want to speak in the debate?

Stand immediately a speaker finishes so that you catch the attention of the President. When called go to a microphone to speak - address your remarks to the President. Five minutes are yours to fill. A bell will signal when there is a minute left. Another will sound when time is up. If you know that you need a minute or two more, have a friend stand when the second bell goes and call out: "I move an extension of time of two minutes." Usually the Synod will indulge you by extending the time - but don't make a habit of it.

- Don't like the wording of the motion?

Well, move an amendment ("Mr. President I wish to move an amendment to the motion as follows ..."). Have it in writing to hand up. Some handy forms are in a box at the front of the Synod Hall. Only amendments written on the forms will be accepted.

At the end of the debate the mover has five minutes to speak in response.

Canons: What can happen?

Two things can happen:

- **Full Procedure**
- **Full Procedure with discussion groups.**

I will now comment about each a little further.

A Canon is presented to the Synod as a Bill which, if passed by the Synod, becomes a Canon.

The Business Paper for the first day will list at this point all the Canons for consideration by the Synod.

The Full Procedure

(a) Approval in Principle

- The President calls on the mover of a Bill to move “that the Bill be approved in principle”. Here is the major discussion on the objects of the Bill. The mover has 15 minutes (and 5 minutes in response at the end). The seconder has 10 minutes. After the mover and seconder have spoken there is a time of questions directed to the mover on the subject matter of the Bill.

You will notice that the text of each Bill and a statement explaining its background and purpose [the *Explanatory Memorandum*] is published in Book 2 of the Synod papers.

- Amendments to the text are not taken at this stage although members will often in their speeches foreshadow amendments they wish to move at the committee stage.
- After the Mover and Secunder have spoken and opportunity given for questions the President will invite debate on the principle of the Bill. After a number of speakers have debated the issue, the President will put to the Synod the question “that the Bill be approved in principle”.
- Opponents of the Bill may defeat it by voting against the motion so that the committee stage does not take place.

(b) No Opposition to the Principle of the Bill

If the principle of the Bill is agreed to and no amendments to the text have been foreshadowed the mover may move that the Bill pass. If agreed to by the Synod the Bill then becomes a Canon. Unlike Diocesan Synods which require the

assent of the Bishop before a Bill becomes law, General Synod legislation is made upon the passing of a motion “that this Bill do pass”.

(c) The Committee Stage

- If after a debate on the Bill in principle a member has indicated that an amendment will be moved to the text of the Bill the Synod then by virtue of Standing Order 63 (10) undergoes a metamorphosis and turns itself into a Committee (strangely consisting of the whole Synod!) As a Committee the procedure is less formal than the Synod acting as a legislative body, and is chaired by the Chairman of Committees.
- The Bill will be considered by the Synod in Committee clause by clause and you can move an amendment at the appropriate time. The preamble – the “whereas” bits and the title are considered last.
- It would be out of order to move amendments which are out of line with the general intention of the Bill or to insert words which would make the Bill have the opposite effect. Your amendment can take words out, insert or add words, or re-arrange the Canon. Every amendment must be in writing and handed up to the Chairman. Forms are available in a box at the front of the Synod Hall. Motions moved in the “Committee Stage” do not require a seconder.
- At the conclusion of the Committee stage the President asks that the report (of the Committee) be agreed to. If yes, the mover then has a choice to move “that the Bill do pass” or alternatively, that the question of the passing of the Bill be made an Order of the day for some future day. Postponing this stage to a different day is often desirable where there has been strong debate and many amendments. It gives time for reflection.
- It is desirable to give advance notice of your amendment as it allows all members to give proper consideration to what you propose.
- Where there are a number of amendments and it is clear that a conversation between amendment movers and the person moving the Bill would be productive, then the Chair of Committees may adjourn, with the consent of the Synod, further debate until the various parties have had the opportunity to confer to see if some measure of consensus can be reached. Over the last few Synods these conversations have been referred to as “huddles”.

(d) That the Bill do Pass

While in many cases this third consideration is purely formal it still presents an opportunity for debate. Standing Orders allow for the whole Bill or any clause to be recommitted and it is possible to have a repetition of the committee debate

although the scope of the debate is restricted to any material to be added or deleted.

A failure to carry the “third stage” means that the Bill does not pass and disappears from the Agenda. If it is carried the Bill becomes a Canon.

Full Procedure with Group Discussion

The 1998 (Adelaide) General Synod directed the Standing Committee to explore means of presenting some business by way of a non adversarial procedure.

So, in Brisbane in 2001, several topics had small group discussion after the topic was introduced by the mover and a second speaker providing additional points of view and time for questions. When time for adequate discussion was had, the President called the Synod to order and the procedure for either legislation or consideration of motions came back into play. This procedure is now Standing Order 37B. It requires a motion to activate this way of dealing with an item of business.

Special Bills

- To ensure that measures concerning “**the ritual, ceremonial or discipline of the Church**” are not foisted on individual dioceses by a simple majority vote of General Synod, there is a measured series of safeguards built into the 1961 Constitution by way of the Special Bill Procedure.

Section 28(1) requires Bills concerning “ritual ceremonial or discipline” to follow the Special Bill Procedure unless three quarters of each house of the Synod vote to treat the Bill as an Ordinary Bill.

- A Special Bill proceeds in the normal way through the approval in principle stage and Committee stage. It is at the “Bill do Pass” stage that the first Constitutional safeguard is met. To pass this stage, what is required is a vote of at least two thirds of the members present in each house whereupon the Bill passes provisionally and is called a “Canon provisionally made”.
- The Provisional Canon is then referred to each Diocese for consideration. If all Dioceses assent to the Provisional Canon it becomes a "Canon duly passed". Unless there is unanimity among all the Dioceses the next General Synod receives a report on the reception by each Diocese of the Provisional Canon and the Provisional Canon is recommitted to the Synod for its further consideration at the approval in principle stage.
- If the Bill successfully negotiates this subsequent consideration and is approved by at least two thirds of the members of each house present at the "Bill do pass" stage the Bill becomes a "Canon duly passed".

There is an alternative available to the Synod at this stage. A majority of the three houses voting together may declare that the "Bill do pass" motion be provisional

only whereupon the Provisional Canon will again make the rounds of the Dioceses.

When does a Canon take Effect?

By Section 30 a "Canon duly passed" comes into force on a date provided for in the Canon or on an appointed day within one month from passing. It applies to every Diocese and prevails over inconsistent Diocesan Ordinances.

However:-

- twenty-five or one-third of any house or the Primate can refer the Canon to the Appellate Tribunal to decide if the Canon is inconsistent with the Fundamental Declarations or Ruling Principles, or that the Canon should have been dealt with by the Special Bill Procedure but was not. If the Appellate Tribunal finds that there is no inconsistency or breach of procedure the Canon comes into force, otherwise the Canon is void;
- If a Canon affects the ritual, ceremonial or discipline of the Church or the General Synod declares that a Canon affects the order and good government of the Church or Church Trust property within a Diocese, the Canon **will not apply** in a Diocese until adopted by Ordinance of that Diocese (Section 30(a) and (b)). In practical terms nearly all General Synod legislation falls into one or other of these categories;
- a Diocese may itself declare that in its opinion a Canon affects the order and good government of the Church or Church Trust property within that Diocese. If the Standing Committee of General Synod agrees with the diocesan opinion a Canon shall not come into force in that Diocese or if it has already come into force then it shall cease to apply. Where the Standing Committee of General Synod disagrees with the opinion of a Diocese the President must refer the question to the Appellate Tribunal for determination (Section 30(c)).

How Can the Constitution be Altered?

No change can be made by the General Synod to Sections 1, 2 and 3 which contain the Fundamental Declarations.

The remaining Sections of the Constitution are, in Chapter XI, divided into three groups; each group requiring different conditions to be met before the particular Sections can be altered. Provisions which are central to the character of the Constitution require wide national consensus before change can occur.

First Group

[Applies to Constitution Sections 11-14, 18-25, 27, 32-35, 64(1)(2) and (3), 68-70, 75.]

Where the alteration does not concern 'ritual ceremonial or discipline' the Bill requires two thirds of each house and a majority of all Dioceses including two metropolitan sees

at the "Bill do pass" stage. A Diocese is taken to have given agreement if a majority of lay and clerical representatives and the Bishop have voted in favour of the proposal. (See Section 67(1)(a)(i)).

Other Bills in this group require a majority of each house at the "Bill do pass" stage **BUT** will not come into effect until assented to by three quarters of the Dioceses including **ALL** metropolitan sees.

Second Group

[Applies to Constitution Sections 64(4)(5), 67(1)(b).]

These changes require a majority in each house on the "Bill do pass" stage and **EVERY** Diocesan Synod has assented to the change by Canon. (See Sections 67(1)(b)).

Third Group

[Applies to Constitution Sections 4-10, 15-17, 26, 28-30, 36-63, 65, 67(1)(a) and (c), 71-74 and the Table annexed to the Constitution.]

These changes require a majority of each house on the "Bill do pass" stage **AND** three quarters of the Diocesan Synods including **ALL** metropolitan sees have assented to it by Canon (See Section 67(1)(c)).

You will be glad to know that all this will not happen on the first day! The Standing Orders require legislation to have precedence during the day and General Business at night.

At about 9.00 p.m. and at the end of a debate or speech someone will catch the eye of the President and say: "I move the adjournment until 9.00 a.m. tomorrow."

This is a motion about procedure and must be dealt with immediately. Procedural motions take precedence over all other motions.

If the Synod agrees with the motion then we all go home and come back tomorrow.

DAY 2, SUNDAY

The second day in Melbourne will provide the opportunity for early morning Holy Communion in the school Chapel.

Worship will be followed by business sessions until afternoon tea.

The business paper will be brought up-to-date and a fresh one will be on your seat. Questions and motions from yesterday, new motions and amendments to Bills and motions will be incorporated and Orders of the Day will be notified.

The Minutes of the first day's business will be signed and then any petitions presented.

The President will then call by name those who gave notice of their questions the previous day. When called upon, you stand and say: "I ask the question standing in my name".

President: "The question seeks an expression of legal opinion and is therefore out of order. Nevertheless, it is my wish that clergy at all times be clothed in a manner befitting their calling".

After the dispatch of yesterday's questions the next question will be:

President: "Are there any notices of question?"

Here is your second chance to give notice of a question. Following this:

President: "Are there any notices of motion?"

Here again is an opportunity to give notice of a motion. By now however the business paper is building up and the chances of your motion being reached are becoming a little remote.

The President will then call over by number the motions. Don't forget to call "object" if you wish to vote against a motion or move an amendment – if you don't then the motion may well pass formally and you have lost your chance.

DAYS 3 – 6, MONDAY-THURSDAY

There will be an opportunity for Holy Communion early on Monday to Wednesday.

There will be a bible study before the first business session on Monday to Wednesday. On Thursday, there will be a closing service before the commencement of the business session, but no bible study.

On each day, the business session will commence with petitions, questions, answers to questions, notices of motion and a call over.

Time off has been programmed for Tuesday evening.

4. GLOSSARY OF TERMS

SOME KEY TERMS

To maintain the flow of the main text I have used these notes to say a little more about a number of topics. These are notes on key terms in relation to the Standing Orders, and on the Australian Church in alphabetical order. The notes are my own views. I offer them as background material. Feel free to disagree!

A. STANDING ORDERS

You will get more out of a team game if you know the rules. In our Synod these are called Standing Orders. The full text is in Rule I (p 363 of The Green Book for 2007) and is reproduced as Chapter 8 in this volume.

Do We All Vote Together?

With one exception all the members of Synod meet together in one body and transact business as one body (Standing Order 45) (SO.45). The exception is that five members of the House of Bishops or 10 members of the laity or of the clergy can require a vote on any question to be voted on separately by the Bishops, the clergy and the laity. This is called a vote by Houses. To pass, the question must have the support of each House.

Order of Business

Unless varied by the Synod, the meeting time commences at 9.00am. Legislation is dealt with in the morning and afternoon sessions. General business in the evening (SO.10). You may wonder how the business is arranged day by day. SO.7 prescribes the order of business for the first day. SO.9 prescribes the order of business for succeeding days. Synod on Day 1 appoints an "Order of Business Committee" to settle mechanical matters concerning the Business Paper from day to day.

Speaking

If you wish to speak, stand in your place and when called by the President, go to a microphone, give your name and diocese and address all remarks to the President.

The Standing Orders give the control of the Synod to the President. You will be encouraged to keep your remarks to the subject matter of the motion. There are time limits on speeches (SO.34). At the beginning of a major debate the Synod may agree to reduce the time limits. This may also happen on the last day of Synod to enable as much business as possible to be transacted.

Point of Order

If a speaker transgresses Standing Orders (SO.29, SO.30) then another member can take issue with this by raising a "point of order". You stand in your place, call out "point of order" and attract the attention of the President. Having got yourself to the microphone you point out the breach, e.g. the speaker was making a personal reflection on a member. You can speak for or against the point of order. The President rules on the point of order. It is possible for the Synod, by vote, to disagree with the ruling (SO.28).

Getting Around Standing Orders

Can you get around the Standing Orders? Yes! But there are two hurdles. First you must "seek the leave of Synod to move a motion without notice" (SO.35). You should indicate what motion you want to move if leave is given. Secondly you move "to suspend so much of Standing Orders so as to allow..." If it is some mechanical matter you want attended to then usually the Synod will give you leave.

You can be stopped. Ten members can stand in their place and object to the Standing Orders being suspended - if this happens, you lose! (SO.56).

Another way is to give notice that at some future time you wish to suspend a particular Standing Order. Notice must be given on the previous day or, if it is the first day of Synod, before 7.00 pm. In these situations 10 members cannot stop you suspending Standing Orders if a majority decides to allow you to do it. The whole idea of giving notice is to prevent surprise and to give time to think about proposals.

Amendments

What if you are not happy with the question being debated? You can move an amendment to omit words, to add words or to reshape the motion. SO.42 sets out the possibilities. Each amendment is spoken to and put so that at the end of the process there is a text refined by amendments for Synod to vote on.

Avoiding a Decision

What if you think the Synod should make no decision? Under SO.43 you can move "that the motion be not put". This is known as "moving the previous question". You can still keep debating the issue as well as the procedural question. No further amendments will be considered until the procedural motion is voted on.

No further amendments can be entertained until the Synod votes on the motion.

No Standing Order

If at any point the Standing Orders do not provide an answer then SO.67 brings into play the rules and practice of the Federal House of Representatives so far as they can be applied.

Huddles

This is the term given to the informal conversations between the mover of a Bill and movers of conflicting amendments to see whether a measure of consensus can be reached rather than wasting the time of Synod in a debate on the splitting of hairs! At any time during the committee stage of a debate on a Bill, a member can move that further consideration of the Bill be adjourned to allow interested members to confer to see if a consolidated amendment can be brought back to the Synod for consideration.

It is possible to use this procedure in relation to motions.

B. THE AUSTRALIAN CHURCH

Our synodical life as Anglicans - to the extent we wish to participate - has parallels with our life as citizens. Participation in the constitutional life of the local community is by voting and standing in elections and this can proceed to State and National level. Membership or support of groups, causes and organisations is another mark of community involvement.

We are all members of local churches where opportunity exists for ministry. But what of beyond? Some are members of a Diocesan Synod as well as the General Synod.

Australia Wide

Structurally and at least on paper in the 1961 Constitution, there are the General (National) Synod, the Provincial (State) Synods and the Diocesan Synods. For example, in New South Wales there are 7 Dioceses which make up the Province of New South Wales - Armidale, Bathurst, Canberra/Goulburn, Grafton, Newcastle, Riverina and Sydney. Each has a Bishop. In Sydney he is called Archbishop because he is Metropolitan of the whole province. A similar structure is found in each State of the Commonwealth, except for Tasmania.

The Anglican Church of Australia (ACA) is made up of 23 Dioceses, five of which are Metropolitan Dioceses. One might expect that a General Synod has power over the big questions, the Provincial Synod over the not so big and the Diocesan Synod over local questions. The path of historical development of the Anglican Church in Australia has put the Diocese in the box seat for initiative and activity. The ACA Constitution recognises the Diocese in accordance with historical custom to be "the unit of organisation of this Church".

When Do They All Meet?

Diocesan Synods usually meet annually. The New South Wales Provincial Synod for example meets every 5 years and its Standing Committee annually. The General Synod did meet on a 4 year rotation but in the last few years has met on a 3 year cycle. General Synod Standing Committee meets several times each year.

General Synod Composition

Each Diocese sends at least the Bishop, a Priest and a lay person. There is a formula to determine how many representatives each Diocese can have. It is based on the number of licensed clergy. See the Table at the end of the Constitution. In addition NATSIAC nominates an Aboriginal and a Torres Strait Islander member to each of the Houses of Bishops, Clergy and Laity.

The Primate

Elected by a Board elected by the General Synod (see the *Primate Canon 1985-2001*). He is the Chairman of General Synod and its Standing Committee.

General Synod Canons

While the General Synod has power under Section 26 to pass Canons for the order and good government of the ACA the Canons only apply in a Diocese if that Diocese adopts the Canon.

If a Canon deals with some purely General Synod matter such as NATSIAC then it comes into force usually within a month.

Where the subject matter is “ritual ceremonial and discipline” then a special procedure must be followed. See Provisional Canons below.

So for example some Dioceses have not adopted Canons on the Marriage of Divorced Persons or Defence Force Chaplains or Women Priests.

Funding

General Synod raises funds by assessment on the Dioceses. The total is shared in proportion to the number of representatives sent by each Diocese. Section 32 of the 1961 Constitution sets out the categories under which money can be levied.

Chapter 3 **ANGLICAN JARGON EXPLAINED**

1662	See BCP
1961 Constitution	This refers to The Anglican Church of Australia Constitution. Each State and Territory Parliament passed an Act with a Schedule setting out the constitution of the federal body known as The Anglican Church of Australia. This constitution is often referred to as the "1961 Constitution". The Act was necessary to give effect to at least property matters. The most up to date version of the Constitution with amendments that took effect on 16 June 2003, is printed as Chapter 4 of this book
AAPB	An Australian Prayer Book (1978) for use together with the Book of Common Prayer, 1662.
Amendment	This is when you propose a change to a motion being considered by the Synod. You may wish to delete words, add words or change the structure of a motion. The amendment cannot be so extensive that you reverse the direction of the motion. Your amendment should be in writing, and handed up to the Chairman. See Standing Orders 41 and 42.
Anglican Church of Australia	This is the federation of Dioceses which came into existence upon the coming into effect of the Anglican Church of Australia Constitution Act 1961. Before 1961 the confederation at the national level was much looser and the Anglican Church in Australia was an extension of the Church of England. The ACA operates by way of a Synod made up of representatives from each of the 23 Dioceses and the six indigenous representatives.
APBA	A Prayer Book for Australia (1995).
Appellate Tribunal	This is created by the 1961 Constitution. Three Bishops and four lawyers are elected by various sections of the General Synod. One function is to act as the final court of

appeal on discipline charges against clergy. Another function is to rule on whether General Synod Canons are consistent with the Fundamental Declarations and Ruling Principles of the ACA. See Sections 1-4 1961 Constitution. The third and most frequently used function is to give opinions on matters arising. These Section 63 opinions are only advisory. They are not judgements.

Assessments

This is the term given to the levies made on Parishes by Diocesan Synods. The term is also used for the levies made by Provincial Synods and the General Synod.

BCP

This is the Book of Common Prayer 1662. It is also referred to as "1662". In the years of the Reformation the English Church fundamentally revised its liturgy principally under the hand of Archbishop Thomas Cranmer. The first Book was in 1549, revised significantly in 1552 and again in 1559. On the Restoration of the monarchy (1660) and following the Savoy Conference the 1559 Book with many minor amendments became the Book annexed to the Act of Uniformity 1662. This Act required use of the Book - and no other - in all public services in the Church of England.

The Book of Common Prayer (BCP) has a special place in the Anglican Church of Australia. By the 1961 Constitution (Section 4) the ACA "retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer and the 39 Articles." BCP and the Articles are the authorised standard of worship and doctrine in the ACA.

An Australian Prayer Book (AAPB) was authorised by General Synod for use in worship together with BCP in 1978. A Prayer Book for Australia (APBA) was authorised by the General Synod for use together with BCP (1662) and AAPB.

Bill

A proposed canon in draft form. When the Bill is passed by the Synod it becomes a Canon.

Business Paper

This sets out the text of each motion and the order of business for the day. A new business paper is produced each day.

Call Over the Motions	Standing Order 10(b) allows the President at the beginning of each day of sitting to call over the motions by number to see if any can be dealt with formally, i.e. without debate. It is a method of clearing the paper.
Canon	A name for church legislation. General Synod calls its legislation Canons. In Melbourne they are called Acts. In Sydney and many other dioceses they are known as Ordinances.
Chairman of Committees	This is the person who takes the chair when the Synod turns itself into one big Committee, "a committee of the whole", to discuss on a more informal basis an issue or more commonly the text of a Bill.
Committee	A very Anglican way of solving problems is to give it to a Committee.
Corporate Trustees	A body corporate under Section 64 of the Constitution and governed by the Corporate Trustees Canon 1962 exists to hold property on behalf of the Anglican Church of Australia. The Standing Committee appoints the Trustees.
Constitution	See "1961 Constitution".
Diocese	Geographically it is the territory for which a Diocesan Bishop and Synod have the care and responsibility.
Elections	These take place during Synod. Election days in Fremantle will be Wednesday/Thursday. Elections are conducted according to Rule III in the Green Book. The full notice of elections is printed in Chapter 4 of this Book, immediately following this section.
Executive	Under clause 6(b) of Rule II – Standing Committee, the Standing Committee can create an Executive to carry out the functions of the Standing Committee between meetings. It is usually chaired by the Primate and is made up of several members of the clergy and laity elected by the Standing Committee.

Green Book	A green covered bound collection of the Constitution Canons and Rules of the General Synod. Every Synod Representative should have one. Your Diocesan Registrar can supply it or you can purchase a copy from Broughton Publishing.
Metropolitan	The Metropolitan is the Bishop of the Senior Diocese in a Province. Its Bishop is the Metropolitan and has the title Archbishop.
Motion	The name given to a proposal made by a member of the Synod.
Mover	The person who moves the motion.
Notice of Motion	Motions cannot be sprung on the Synod by way of surprise. You must give notice, usually the day before, of any motion you wish to move. It is possible to ask the Synod to give its consent to you “moving a motion without notice”. You should tell the Synod the substance of the motion you wish to move.
Orders of the Day	On the first day of Synod each item of business is in the form of a motion. Some items will be dealt with by giving them a special place on the business paper for the next or some other day of Synod. Where an item is specially fixed it becomes an “Order of the Day” for that particular day.
Ordination	This has become the generic term for admission to any of the three orders of clergy namely Deacons, Priests and Bishops. BCP “makes” Deacons, “ordains” Priests and “consecrates” Bishops.
Petition	A formal request to Synod for action or to register a complaint.
President	The person who presides at the General Synod, is usually the Primate, or in his absence an Archbishop.

Provisional Canons

If a Bill deals with “ritual ceremonial and discipline” then it is called a Special Bill.

Special Bills require a two thirds majority at the final voting stage in the General Synod. If passed the Canon becomes a “Provisional Canon” and must then be considered in turn by each Diocese. This Special Bill procedure is to enable every Diocese to give specific consideration to the proposal. At the end of the process the fate of the Provisional Canon in each Diocese is reported back to the next General Synod. If two thirds of that next General Synod at the final voting stage pass the Provisional Canon it then becomes a Canon. It still needs adoption at the Diocesan level because “ritual ceremonial and discipline” Canons affect the “order and good government” of a Diocese.

Procedural Motion

Any motion dealing with the procedure of the Synod takes precedence over any other motion, even if you are half way through a debate. A procedural motion might be to adjourn and go home, or to stop the debate on this question and go to the next question.

Reading

The consideration of a bill by Synod. Strictly no longer used as our procedure has been simplified but old hands will still use the term.

Red Book Case (The)

In the 1940’s the Bishop of Bathurst authorised the use of an alternative service book which included an order for the Holy Communion service. This service contained variations and additions to the Holy Communion Service in the BCP. An injunction was sought in the Supreme Court of NSW to restrain the use of this alternative service book. The injunction was granted. On appeal to the High Court, the injunction was modified to apply to certain named churches in the Diocese of Bathurst. The High Court Report can be found – Wylde v Attorney General (NSW) (1948) 78 CLR 224. The essence of the decision was that in NSW the only authorised services on church trust property were those services contained in the BCP. Given that there are now a multiplicity of authorised services, a similar case today would be unlikely to succeed.

Ritual, Ceremonial and Discipline	This phrase appears in Sections 28 and 30 of the Constitution. Each word is defined in Section 74. In a general sense, ritual are the words, ceremonial are the gestures or acts preceding accompanying or following the saying of those words. Discipline, while defined in Section 74, has a number of other meanings depending where it appears in the Constitution. Again, in very general terms, the word refers to the obligations and rules which affect clergy.
Scandrett v Dowling	The NSW Court of Appeal judgment reported in 27NSWLR483. The plaintiffs sought an injunction against the Bishop of Canberra/Goulburn to prevent him ordaining to the priesthood a number of female deacons. The Court of Appeal granted an interim injunction pending a full hearing. Various questions were framed to focus the issues. In the end it was held that the only parts of the 1961 Constitution which have binding force are those relating to church property. This is a NSW decision which turned on a particular form of words in the 1961 NSW Act which adopted the 1961 Constitution.
Secunder	The person who supports the mover of a motion.
Special Tribunal	Where a charge is brought against a member of the House of Bishops, Section 56 of the Constitution provides for a special tribunal consisting of a lay person, a priest and a bishop to try the charge.
Standing Committee	This is a committee elected by the Synod at each session. Rule II (Green Book) sets out the composition and function of this committee.
Standing Orders	These are the rules which determine how business will be conducted by the Synod. It is possible to set aside a Standing Order if you give notice to the Synod on the previous day. If you have not given notice then you can ask the Synod to suspend the Standing Order, however, 10 members can object and you can be prevented from doing what you wish.

Chapter 4 THE CONVERSATION AT SYNOD

INTRODUCTION

Meetings of General Synod are opportunities for our representatives to seek God's will and to discuss legislation and issues of interest or concern to the Church nationally. By its very nature, the General Synod will deal with matters that are sometimes complex, sometimes contentious. Discussion can often be challenging because we live with institutionalized diversity at national level.

In 2004, the Standing Orders of General Synod were amended in several important ways to help us deal with matters in a constructive and productive manner. First, the provision was made for discussion groups to be formed as a measure to clarify important matters such as the purpose or intended effect of a bill. Second, the process for dealing with amendments was streamlined in an effort to improve Synod's effectiveness. All this has meant that our processes are better at facilitating candour and respect as we seek to fulfil our Christian vocation together.

WORKING IN STAGES

Synods have sometimes been forums characterised by conflict. Participants may tend to view those with different opinions as opponents in a process where there were winners and losers.

To manage the undesirable effects of conflict a non-adversarial approach has been consciously encouraged and adopted. This has encouraged participants to see each other as partners with common goals and diverse concerns. It assists members to take a problem-solving process to issues and find a way forward that is acceptable to as many people as possible. The process involves:

Step 1. Clarifying the issue(s)

This stage is not about finding solutions or arguing against someone else's thoughts or feelings. It is about hearing and understanding what is at stake. It often includes addressing questions such as:

- What is at stake for participants, the Church as a whole or our particular diocese?
- What is important for each participant?
- What feelings are evoked: are some participants seeking to gain and are others feeling threatened?
- What will I be looking for in a solution?
- What criteria will I use to assess options?

Step 2. Generating options

This stage may require some lateral and creative thinking as participants explore and freely identify the possible approaches to an issue.

Step 3. Assessing the options

Participants will need to weigh up the various options generated (Step 2) against what each is seeking to gain (Step 1). In particular:

- each participant is invited to be clear and explicit about the criteria used to assess options;
- the implications of each option are developed and considered; and
- options may be developed or adapted as necessary.

Step 4. Deciding

In this stage, the advantages and disadvantages (Step 3) are taken into account as the best (often adapted) option is selected. The aim is for a *win-win* solution that:

- achieves, as far as possible, the common goals; and
- takes into consideration, as far as possible, the particular concerns of each participant or group.

Step 5. Implementing

This stage is concerned with the question of who will need to do what, when. Many good ideas often flounder at this stage because little consideration has been given to matters like resources and getting the right group to do the job.

- The budget for General Synod in 2011 and forecasts for 2012 and 2013 are to be considered on the last day of the Synod. Adding new work to this agenda is challenging, more so as the financial cost for any proposal increases.
- If your proposal has any financial implications please speak with the Honorary Treasurer, General Secretary and the Business Manager to ensure that implementation will not be hamstrung by the lack of resources.
- Activities required of dioceses may also have financial implications which may not fit easily into their budget cycles.

Step 6. Evaluating

This stage is concerned with identifying appropriate criteria and checking all outcomes achieved with our initial expectations or intentions. Were they in the zone or wide of the mark? If so, what improvements or remediation might be required?

In the past, there has been a tendency for General Synod members to see themselves in an isolated way as though we came together to address Step 4 only, that is, to make decisions, particularly about legislation.

The meeting of General Synod is one element in a larger process. The Synod's effectiveness depends largely on the quality of this wider process.

Before members of General Synod arrive at the event a great deal of preparatory work has already been done. Some General Synod members, Commissions, Task Forces and other groups have endeavoured to clarify the issues and identify solutions (Steps 1 and 2) in the lead up to the Synod. As a result, General Synod members are then better able to engage with assessing the options and making decisions (Steps 3 and 4).

Of course, most decisions require someone in our Church to do something in response. Often the Standing Committee or some other group will need to look after implementation (Step 5). The following Synod is often the time when the success of an activity or a course of action is often evaluated (Step 6).

It is clear then that various issues will come before the General Synod at different points in the process. Some issues will appear early as matters of awareness raising or to sound out an initial response from the Church nationally. Some matters will be clearer than others or have implications that require additional exploration. Rarely, will an issue move through each and every step at a single meeting of Synod. Some issues may require several meetings of Synod to progress through each of these steps before a satisfactory outcome is achieved. This process is illustrated in the table below.

Step	This Synod	Interim	Next Synod	Interim	Following Synod
Step 1	Groups being clarification				
Step 2	Groups begin to generate options	Refining options Refining criteria Consultation Preliminary assessment of options Options presented to the General Synod			
Step 3			Groups to assess refined Option(s)		
Step 4			Plenary debate and decision		
Step 5				Action by Standing Committee or designated group	
Step 6			Reporting to General Synod		Reporting to General Synod

GROUP DISCUSSION PROCESSES

To assist with the decision-making processes of General Synod a range of group discussion processes have been incorporated in the Standing Orders (see Chapter 8).

The Synod timetable is comprised of two types of sessions. There are *plenary* sessions where legislation and resolutions are considered, usually during the day, but general business takes precedence over legislation in the evening sitting (S.O. 10(a)(2)). A series of *group discussion* sessions is planned throughout the course of Synod.

During such times, members of Synod will be asked to form small groups of between 4 and 6 people with those with whom they are seated. Seating is arranged carefully to ensure that groups contain a mix of diocesan representatives in order to assist with mutual understanding and engagement.

The Group Discussions are designed to help individual members of the synod to clarify the issues before us as a Synod. Sometimes groups may be asked to brainstorm or to formulate options on the question that can be used in future work on the question. In this case the Standing Committee will make special preparations for this kind of feedback.

Small groups are **not** for the purpose of proposing amendments to the resolution before the Synod. Such amendments can only be made in the normal way in plenary session.

The Standing Committee will make arrangements for this process in the following way:

- The mover of the motion will introduce the subject and speak to the motion. They have 15 minutes.
- The seconder will formally second at this stage. They will have an opportunity to speak in the usual way in the plenary debate after the small group process.
- Another speaker from a different perspective will speak. They have 15 minutes.
- The President will invite any question of clarification to which the speakers will respond.
- The Synod breaks into small groups. The small groups will have a note of the questions that are at stake in the motion as agreed between the two lead speakers.
- After time for discussion the President will announce that the plenary debate will proceed. Synod then returns to debate the motion in the usual way.

The Synod may by resolution declare that a motion requires group discussion. This process can be used when considering legislation (see Section 63.5) prior to entering the committee stage or resolutions (see Section 37B).

The use of small group discussions during the meeting of the General Synod can help with undertaking a particular step as outlined above. Care is needed to ensure that any

appropriate processes that would be required are prepared beforehand. For example, if a small group discussion is intended to generate options (Step 2) a mechanism by which groups could report back would be necessary.

STREAMLINING AMENDMENTS

One of the most time-consuming aspects to Synod is processing amendments to Bills and resolutions. Standing Order 42A was introduced to facilitate this important, if potentially frustrating, process.

The system works best if amendments to Bills and motions are notified early and those proposing amendments discuss them with the mover and seconder.

The 'huddle' has become an important feature of managing General Synod business. The aim is to allow the mover of a relevant motion and those seeking amendments to meet outside of a plenary session to process the proposed amendments which have been notified to the Secretaries of the Synod.

The opportunity to confer is important because it allows the original mover to consider, accept or reject any of the changes proposed without necessarily debating each item on the floor of Synod. The redrafted item can be then resubmitted to the Secretaries of Synod and the members informed of the status of the proposed amendment. This process can reduce considerably the time otherwise spent by the Synod as a whole for any redrafting.

Where there is a multitude of amendments, the Chairman or Deputy Chairman of Committees may suggest that the interested parties form a 'huddle' to progress the matter out of session, thereby freeing up the agenda for other items. Of course, members are welcome to take the initiative too!

PARTICIPATING IN THE CONVERSATION

Listening

Empathy is important to good listening. Empathy is about rapport and openness between people. When these are absent people are less likely to consider the ideas, commitments, understandings or faith of others. The best way to build empathy is to help other people know that they are understood. There are specific listening activities which are relevant in various situations.

Listeners may assist communication by:

- Being aware that a person's history and experience influences how they see things. Listeners may need to appreciate some of that history to understand the point of view being expressed.

Chapter 4

- Asking questions –
 - to clarify what is being said
 - to enquire about what is being said
 - to clarify anxieties, concerns or difficulties
 - to explore unstated premises on which thinking is built.
- Checking – that they have understood accurately what is meant.
- Summarising – to ensure that they have the overall picture straight.

Listeners may also assist communication by:

- not ignoring or denying feelings,
- checking with the speaker about feelings as well as content even though they may only speak about content,
- being attentive to non-verbal as well as verbal communication.

In small groups and in large conversations like a Synod we all engage in our minds with our own private version of a conversation with the speaker, even though we are simply listening. Emotions can become inflamed when we feel attacked or identified as the problem.

As a listener you have the opportunity to choose the most helpful response when someone is saying that they are unhappy with you, criticising you, complaining about you or yelling at you. It can help communication if you:

- Don't defend yourself at first, to avoid inflaming the speaker further.
- Deal first with the speaker's emotions. People shout because they don't think they are being heard. Make sure they know they are, that you are hearing how upset and angry they are.
- Acknowledge their side. This doesn't mean you are agreeing with them, only that you are registering their viewpoint.
- Draw them out further. Explore gently what more there is behind the emotion. What is at stake for the speaker that generates such strong feelings?
- Explore the issue once the heat is gone from the conversation.
- Don't rise to the bait and retaliate.
- Don't start justifying yourself.
- Don't act defensively.
- Listen carefully until they have calmed down and conversation can occur.

SPEAKING

Good communication relies on you being able to state your case without arousing the defences of the other person. A key to such communication lies in saying how things seem to you, without saying what the other person should or shouldn't do. Using 'I' statements can be helpful. An 'I' statement says how it is from my point of view, how I see it.

Inordinate amounts of time and energy can be wasted debating how the other person will or won't respond. Don't bother! But you do need to be sure you haven't used language that inflames the situation and causes a negative response. 'I' statements assist you to let the other person know you are feeling strongly about an issue. Others may not perceive how hurt or angry or put out you are, so it's useful to say exactly how you are feeling and what you are thinking, without under or over-stating the case.

"I" statements are:

- not about being polite, soft, nice or rude but about being clear;
- conversation openers, not conclusions, that help improve relationships rather than allowing deterioration;
- not the answer in a nutshell;
- not about getting the other person to respond immediately as you want them to because that is unrealistic;
- unlikely to do any harm;
- a step in the right direction;
- sure to change the current situation in some way; and
- likely to open up possibilities as yet unexamined.

When someone acts in an aggressive or hostile manner, resist the temptation to withdraw rapidly. Resist, too, the temptation to respond aggressively to stop the onslaught. Instead be aware of your own rising anger, and using clear "I" statements say what you are thinking and how you are feeling.

CONCLUSION

In short, effective Synod participation means that we will need to talk openly about issues that will arouse intense views, thoughts and feelings – after all we're talking about discerning God's will! And because we are seeking God's will for our Church that we should strive to understand another person's point of view and even to stand in their shoes. Truth and love can't be traded off against each other. Often our love for each other will help us all to see, understand and follow God's truth more fully than before.

Chapter 5 WHAT IS THE ANGLICAN COMMUNION?

by Wayne Brighton¹

INTRODUCTION

The Anglican Communion is a federation of Churches nourished by the Holy Spirit and built up in love over centuries. It consists of 38 autonomous provinces who share a common ancestry having been planted by colonists and missionary organisations associated with the Church of England. Today, the Communion is a multi-cultural fellowship whose members are committed to God's mission in the nations where they live.

WHAT IS MEANT BY COMMUNION?

Communion is all about relationships. These relationships subsist "in visible unity, common confession of apostolic faith, common belief in scripture and the creeds, common baptism and shared eucharist, and a mutually recognised ministry." Community, equality, sharing, interdependence, mutual affection and respect are all expressed as part of these relationships. Financial assistance and skills development are also important expressions of communion.

Anglicans believe that each parish, diocese and province is part of the one, holy, catholic and apostolic church and that all have a share in God's mission. Furthermore, Anglicans believe that completeness is found only through our relationships with each other. It is a quality of life that needs to be continually nourished and reaffirmed.

Globally, Anglicans are committed to the authority of Scripture, the importance of prayer and tradition, episcopal leadership and synodical governance. Liturgical worship, discipleship, ecumenism and the environment are valued too because of the desire to see God's family walk together in truth and unity.

Each province of the Communion is autonomous. This means that each member church has the jurisdiction and responsibility to determine their own doctrine, practice and governance. Nevertheless, no province is entirely independent as every member church is affected by the decisions and actions of other constituent members.

THE INSTRUMENTS OF UNITY

The bonds of unity and affection between members of the Anglican Communion are many. Some are informal links forged through prayer, fellowship, study and cooperation in mission. Others are primarily Anglican organisations that work globally

¹ The author was formerly the Research Assistant in the General Synod Office. This is an edited version of the chapter published in the papers for the 2007 General Synod. We gratefully acknowledge the author's contribution.

like the Mothers' Union and mission agencies such as the Society for the Propagation of Christian Knowledge, the Church Missionary Society and Church Army International.

A range of formal, representative institutions for communion have emerged as a complex network of interlocking groups over the past century. They have become known as the instruments of unity (see below). Their operations reflect the dispersed and largely national approach to authority adopted by member churches within the communion. The basis of our communion and the inter-relationship between these groups has been explored in:

- the *Virginia Report* (1996) produced by the Inter-Anglican Theological and Doctrine Commission; and
- the *Windsor Report* (2004) produced by the Lambeth Commission on Communion.

These bonds have been strained in recent years due to decisions made in The Episcopal Church and the Anglican Church of Canada concerning same-sex unions and the consecration of bishops openly engaged in same sex relationships. In response, some provinces and dioceses have declared a state of 'impaired' communion with them. The Communion is currently engaged in a process to clarify the nature and basis of communion in the Communion. In 2010, our General Synod will consider a proposal, for a Covenant embodying principles and practices as part of the effort to advance this international process.

THE ARCHBISHOP OF CANTERBURY

The first and most ancient bond of unity within the Communion is the ***Archbishop of Canterbury***, the Primate of All England. Historically, the office and person were of pivotal importance as Anglican churches were planted around the world by missionary organisations and clergy from the Church of England. This position once exercised authority for dioceses outside England until they became autonomous through self-governance. It is still central as being in communion with the Archbishop of Canterbury is often definitive for membership of the Anglican Communion. As such, the Archbishop is the chairperson or president of each instrument of unity.

THE LAMBETH CONFERENCES

Calls for bishops to meet together for friendship, prayer and mutual assistance echoed around the globe during the 1850s. As safe long distance travel became feasible, colonial Anglican diocesan bishops desired to meet together to discuss matters of faith, ministry, social concern and relations with other churches.

In 1867 the ***Lambeth Conference*** met for the first time with some 76 diocesan bishops attending. Uncertainty about the meeting's legal status meant that it was convened as Conference and not a synod of the church, as only princes could summon such

decision making groups at that time (see Article XXI). The Conference was therefore born as a forum for consultation and consensus making with advisory power and moral authority for what was largely a colonial church. Legal jurisdiction remained solely with the provinces, a situation that suited the circumstances of not only the English but the Scots and the Americans as well.

From the outset, member churches were concerned about the principles for union amongst members of the Anglican Communion. The ***Lambeth Quadrilateral*** was adopted in 1888 and it pared Anglican essentials down to four simple points, namely: (1) the Bible as sufficient rule of faith; (2) the two creeds; (3) the two sacraments ordained by Christ; and (4) the historical episcopate, locally adapted to the varying needs of the nations.

The Conference meets every ten years or so at the invitation of the Archbishop of Canterbury. Over 500 bishops attended in 1998 with assistant or suffragan bishops included for the first time. Clergy and laity do not attend. The most recent meeting was in July – August 2008.

THE ANGLICAN CONSULTATIVE COUNCIL

The 1897 Conference highlighted the need to improve communications between the provinces and a number of groups emerged to organise the Lambeth Conference and coordinate efforts in mission. By the early 1960s, the lack of integration and coordination was telling. Furthermore, many member churches had since adopted forms of synodical governance and so many argued that representation of clergy and laity was also needed in the communion's instruments.

The 1968 Lambeth Conference, with its 20 member Churches, agreed to the formation of the ***Anglican Consultative Council*** (ACC), which met for the first time in 1971. The Archbishop of Canterbury presides over the Council, whose membership comprises three provincial representatives including a bishop, clergy and laity.

The Council allows member churches in the Communion to consult, consider and coordinate Anglican affairs concerning matters of mission, liturgy, social concern and its relationship with other churches. As a consultative body it does not possess legislative capacity nor is it a body with central authority. Australia contributes financially to the work of ACC through the Special Fund.

Some provinces elect their Primates as the episcopal representative while other provinces do not.

Australia is represented on the Council by 3 persons appointed by the Standing Committee, currently Mr Robert Fordham, Bishop Andrew Curnow and Dean Sarah Macneil. The Primate, the Most Rev'd Dr Phillip Aspinall is an ex officio member also.

The ACC meets every three years or so, with the 14th meeting being held most recently in Jamaica during 2009. ACC-14 adopted significant changes to the Council's constitution, which is in the process of adoption around the Communion.

THE PRIMATES MEETING

For much of the 20th Century, the Primates of member churches met together occasionally. Many saw the need for regular meetings of primatial representatives due to the rapid growth of churches achieving autonomy throughout the Communion and that not every Primate was a member of the ACC. In 1978, the Lambeth Conference, consisting of 25 member Churches, called for a fourth instrument of unity, the ***Primates Meeting***.

The Primates Meeting is held every two or three years for consultation on theological, social and international issues. Like other instruments, the meeting plays a consultative and advisory role only. In recent years there have been calls from some parts of the communion for the primates to have an enhanced responsibility concerning doctrinal, moral and pastoral matters.

The Australian Primate, the Most Rev'd Dr Phillip Aspinall is a member of its Standing Committee and was the spokesman at its meetings in Tanzania during February 2007 and in Egypt in 2009.

THE ANGLICAN COMMUNION OFFICE

The Archbishop of Canterbury's international responsibilities, the Lambeth Conference, the ACC and the Primate's Meeting and are all coordinated by a small secretariat known as the ***Anglican Communion Office***. Based in London and led by the Revd Canon Kenneth Kearon, the Secretary General, it provides support for a range of groups determined either by Lambeth, the ACC or the Primates Meeting.

Financial contributions to the ACC are used to fund two important centres and a variety of commissions or standing groups that work on matters of long-term significance to the Communion. Participation in these forums is largely by invitation. Australians have been active in many but not all of these forums. The range of groups, date of establishment and Australians involved (past and present) include:

- the Anglican Centre in Rome, 1966
- the Anglican Communion Observer at the United Nations, 1991 (Ms Ann Skamp)
- the Inter-Anglican Standing Commission on Ecumenical Relations, 1998 (now part of the functions of Inter-Anglican Standing Commission on Unity, Faith and Order) including associated dialogue commissions with international representatives from the Baptist, Methodist, Old Catholic, Oriental Orthodox, the Orthodox Churches and the Roman Catholic Churches (Abp Peter Carnley, Bp John Stewart, The Revd Dr Cathy Thomson are a few recent members of various groups)

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- the Inter-Anglican Standing Commission on Mission and Evangelism, 1999 (Ms Lynlea Rodger)
- the Inter-Anglican Theological and Doctrinal Commission, 2001 (now part of the functions of Inter-Anglican Standing Commission on Unity, Faith and Order) (The Revd Dr Bruce Kaye and Bp Stephen Pickard)
- the Lambeth Commission on Communion, 2003 which produced the *Windsor Report*, and augmented by groups that included
 - the Windsor Reception Reference Group, 2005-06
 - the Panel of Reference, 2005 (Abp Peter Carnley and Mr Robert Tong)
 - the Listening Process, 2006 and
 - the Covenant Design Group, 2006
- Ethics and Technology, 1999

The Anglican Communion Office also supports a range of networks where participation and representation is self-funded by interested member churches. Representation in these forums is generally determined by the General Synod Standing Committee and include:

- the Anglican Indigenous Network, 1991
- the Anglican Peace and Justice Network, 1985 (Canon Chris Jones)
- the Anglican Communion Environmental Network, 2002 (Bp George Browning as convener)
- the International Anglican Family Network, 1992
- International Anglican Women's Network, 1996 (Ms Ann Skamp)
- International Anglican Youth Network, 2004 (The Rev'd Steven Schwarzrock)
- the International Anglican Liturgical Consultation, 1983 (members of the Liturgy Commission from time to time)
- Network for Inter-Faith Concerns, 1998 (the Revd Dr Ruwan Palapathwala)
- Theological Education for the Anglican Communion, 2003 (Canon Colleen O'Reilly, Mrs Elizabeth Appleby)
- the Council of Anglican Provinces in Africa HIV/AIDS, TB and Malaria Network, 2001
- Anglican Health Network, in formation
- Global Anglican Relief and Development Alliance, the provisional name for a body in formation.

Chapter 6

NOTICE OF ELECTIONS

Notice is hereby given that the following elections will be held at the Fifteenth Session of the General Synod of the Anglican Church of Australia.

1. ELECTIONS OF OFFICE BEARERS

The following offices of the General Synod will be filled on Saturday, 18 September 2010 being the first day of the Session of the Synod, by motions appearing on the Business Paper for the First Day:

- 1.1 A Clerical Secretary and a Lay Secretary (SO7(c)(1))¹.
- 1.2 A Chairman and three Deputy Chairmen of Committees (SO7(c)(2)).
- 1.3 A Committee of Elections and Qualifications (SO7(c)(3)).
- 1.4 A Committee to arrange the Order of Business (SO7(c)(4)).
- 1.5 A Minutes Reading Committee.

2. ELECTIONS OF OFFICERS OF HOUSES OF SYNOD

The following elections will take place on Saturday, 18 September 2010, being the first day of the Session of the Synod, at a meeting of each House to be arranged during that day's Session:

- 2.1 A Chairman and other officers of the House of Clergy (SO7(h)(i)).
- 2.2 A Chairman and other officers of the House of Laity (SO7(h)(ii)).

3. ELECTIONS UNDER RULE III

The following elections will be conducted under the Rules for the Conduct of Elections ordered to be made by the General Synod [Rule III] on Tuesday, 21 September 2010 between the hours of 9:00 a.m. and 6:00 p.m. in the voting room adjacent to the Synod Hall at Melbourne Grammar School, Melbourne:

¹ "SO" means "Standing Orders".

3.1 The Standing Committee of Synod

(Section 2 of Rule II, (page 311))².

- 3 Bishops to be elected by the House of Bishops
- 9 Members of the House of Clergy to be elected by the House of Clergy
- 9 Members of the House of Laity to be elected by the House of Laity

3.2 The Special Tribunal

(Section 56 (1)(a) of the Constitution (page 23); paragraph 4 of Section 57(1) of the Constitution (page 25); Section 25 of the Special Tribunal Canon, 2007 (page 241)).

- 1 Senior Presidential Member to be elected by the Synod as a whole

3.3 The Appellate Tribunal

(Section 57(1) of the Constitution (page 25); Appellate Tribunal Canon 1981: Sections 3(2) and (3), 4 (final condition) and 4A; the Second Part of the Schedule and the paragraph "Second Part [Nominated by House of Clergy]" of the Note on page 80; and the Third Part of the Schedule (pages 79-82)).

- 1 Person to be elected by the House of Clergy
- 1 Person to be elected by the House of Laity

3.4 The Board of Assessors (Appellate Tribunal)

(Section 58(1) of the Constitution (page 26); Canon No 5 of 1962 (page 52)).

- 7 Priests to be elected by the Synod as a whole

3.5 Panels of Electors of the Primate

(Sections 4 and 5 of Canon No 15 of 1985 (page 93)).

- 16 Members of the clergy to be elected by the House of Clergy
- 16 Members of the laity to be elected by the House of Laity

Note: The 12 members of each panel with the highest number of votes will comprise the Board. The remaining 4 members on each panel will fill casual vacancies, the person with the highest number of votes filling in the first vacancy and so on.

3.6 Long Service Leave Board

(Canon No 8 of 1992 (page 124)).

- 1 Member of the House of Bishops elected by the House of Bishops
- 1 Member of the House of Clergy elected by the House of Clergy
- 2 Members of the House of Laity elected by the House of Laity

² Page numbers are references to page numbers in "The Constitution Canons and Rules of General Synod 2007", commonly known as "The Green Book".

3.7 Australian College of Theology Limited – Members

(Schedule to Canon No 07, 2007, especially Articles 3.1(d), 3.4, 3.5 and 3.6 of the Constitution of the Australian College of Theology Limited (page 190ff)).

21 Members to be elected by the House of Bishops

Note: The number of members to be elected is calculated as follows:

- The number of persons equal to the total number of persons comprising Categories C, D and E (Article 3.4)
- The Dean and CEO of the College states that the number of persons in Category C is 11 and that number is unlikely to change before the election takes place;
- 5 persons in Category D, prescribed by Article 3.1(f);
- 5 persons in Category E as prescribed by Clause 3.1(g).

The persons to be elected must include at least 1 Bishop (Article 3.4). Article 1.3 contains the following definition:

“Bishops means bishops of the Church”.

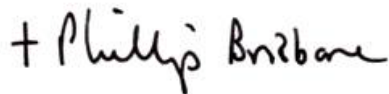
3.8 Defence Force Board

(Section 5 of Canon No 20 of 1985 (page 118)).

- 2 Members of the clergy
- 1 Member of the clergy who at the time of election is rendering or has previously rendered service as a reserve chaplain in the Australian Defence Force
- 3 Lay persons

to be elected by the House of Clergy and the House of Laity voting together.

Note: Under this Canon, “members of the clergy” may include any person in bishop’s orders, including a diocesan bishop.



Archbishop Phillip Aspinall
PRIMATE

Dated: 6 May 2010

ARRANGEMENTS FOR NOMINATIONS AND VOTING

These pages set out information to assist members of General Synod in relation to election processes.

1. ELECTIONS OF OFFICE BEARERS

The Notice of Election on the preceding page of this Chapter sets out the elections which are to be held at the Fifteenth Session of the General Synod.

Elections for:

- a Clerical Secretary and a Lay Secretary
- a Chairman and three Deputy Chairmen of Committees
- a Committee of Elections and Qualifications
- a Committee to arrange the Order of Business
- a Minutes Reading Committee

will be conducted by way of motion at the commencement of business. The names of candidates are set out in the relevant motions in the Business Paper for the First Day. The candidates were identified by the Provisional Committee and approved by the Standing Committee.

It would be an advantage for members of the General Synod to familiarise themselves with the roles of the various offices by reading the relevant Standing Orders which are identified next to the title of the office in Part 1 of the Notice of Elections.

2. ELECTIONS OF OFFICERS OF HOUSES OF SYNOD

As indicated in Part 2 of the Notice of Elections, each house elects its own Chairman and other officers it deems necessary or desirable in case there is a need for Houses to meet separately for any purpose. In practice, such meetings are rare. No time is fixed for these elections in the program. The President usually announces shortly before a meal break on the first day of the Session of Synod that the Houses will meet for that purpose. Experienced members of the Houses then take the matter in hand.

3. ELECTIONS UNDER RULE III

Rule III governs the elections identified in Part 3 of the Notice of Elections. Members of General Synod are urged to pay particular attention to the requirements for nominating candidates for elections governed by Rule III.

Usually, Synod resolves to close nominations at a time later than that prescribed in Section 5(b) of Rule III, namely 9:00 p.m. on the second day of the session. The period

between the close of nominations and commencement of voting varies from one session of Synod to another.

At the Fifteenth Session of the General Synod, a proposal will be put by request of the Standing Committee to amend Rule III to require checks of the National Register in respect of candidates for election to the Appellate Tribunal and to the panel from which the Special Tribunal is drawn. This will have a bearing on the interval between the close of nominations and commencement of voting because time has to be allowed after nominations close to complete a check of information on the National Register.

The following timetable is proposed for the conduct of elections under Rule III:

- Nominations for the Appellate Tribunal and the panel for the Special Tribunal will close at 4:00 p.m. on Sunday, 19 September 2010.
- Nominations for all other elections under Rule III will close at 1:00 p.m. on Monday, 20 September 2010.
- Lists of nominations will be posted on a noticeboard in the Synod Hall and on the General Synod website during the evening of Monday, 20 September 2010.
- Voting will take place in the voting room adjacent to the podium in the Synod Hall between 10:30 a.m. and 6:00 p.m. on Tuesday, 21 September 2010.
- Election results will be announced by the close of business on Wednesday, 22 September 2010.

A motion to this effect will appear in the Business Paper for the First Day.

Original signed nomination forms may be delivered to the Secretaries during the following periods:

- Up to 3:00 p.m. Eastern Standard Time on Friday, 10 September 2010 at:

General Synod Office
Suite 2, Level 9
51 Druitt Street
SYDNEY NSW 2000

- Between 1:30 p.m. on Saturday, 18 September 2010 and the close of nominations, to the Secretaries personally or as directed by the President.

Nominators should note that some positions can be filled only by members of a particular House of General Synod. The list of General Synod Members will be made available to members in the book, *Information for Members*, which will be delivered in August 2010.

A sample nomination form is printed in this book. A downloadable nomination form will be posted on the General Synod website.

Members are reminded that ballot papers may not be removed from the voting room.

Chapter 6

In the event of candidates having an equal number of votes, the President has a casting vote.

Martin Drevikovsky
General Secretary

THE ANGLICAN CHURCH OF AUSTRALIA – FIFTEENTH GENERAL SYNOD

ELECTIONS UNDER RULE III – NOMINATION FORM

FIRST NOMINATOR

I, (Print name)

of the Diocese of (Print Diocese)

a member of the House of Bishops / Clergy / Laity (Circle that which applies)

SECOND NOMINATOR

I, (Print name)

of the Diocese of (Print Diocese)

a member of the House of Bishops / Clergy / Laity (Circle that which applies)

nominate (Print full Name and Title)

of the Diocese of (Print Diocese)

a member of the House of Bishops / Clergy / Laity (Circle that which applies)

for election to the (Insert Office)

I consent to the nomination Date _____ (Signature of Nominee)

THE ANGLICAN CHURCH OF AUSTRALIA – FIFTEENTH GENERAL SYNOD

NOMINATIONS FOR ELECTIONS – INFORMATION

The Notice of Elections to be held at the General Synod 2010 was formally signed by the Primate, Archbishop Phillip Aspinall, on 6 May 2010. A copy of that notice identifying the list of positions to be elected may be found in Chapter 6 of Book 1, *Synod Process and Elections*. The notice will also be published on the General Synod website.

Original signed nomination forms may be delivered to the Secretaries during the following periods:

Up to 3:00 p.m. Eastern Standard Time on Friday, 10 September 2010 at:

General Synod Office
Suite 2, Level 9
51 Druitt Street
SYDNEY NSW 2000.

Between 1:30 p.m. on Saturday, 18 September 2010 and the close of nominations, to the Secretaries of Synod personally.

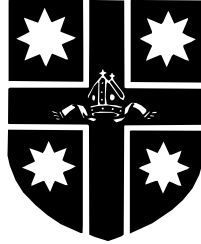
Nominators should note that some positions can only be filled by members of a particular House of General Synod. The list of General Synod members will be made available to delegates in the book, *Information for Members*, to be delivered in August 2010.

In relation to nominations, Rule III provides:

- 5(a) *Any two members of Synod may nominate in writing any person or persons duly qualified for election to any office (but not exceeding the number of persons required to be elected to such office), and the consent of every person so nominated shall be endorsed thereon or if an endorsement cannot reasonably be obtained certified in writing by one of the nominators. Provided that where elections to an office are to be made by the members of any house or portion of Synod nominations as aforesaid shall be made only by members of that house or portion.*
- 5(b) *Every nomination shall be delivered to the secretaries of Synod or to the secretary of the house or portion as the case may be, or to such other person or persons as the President may from time to time appoint, before the hour of nine o'clock in the evening of the second day of the session unless the Synod otherwise resolves, and no nomination shall be valid unless this procedure shall have been complied with.*

NOTE THAT the closing time for nominations is likely to vary from the time nominated in Section 5(b) above. Please see Chapter 6 of Book 1 of the Synod papers for details and note the results of the relevant motions to be put on the first day of the session.

Chapter 7 THE CONSTITUTION



**THE CONSTITUTION
OF THE
ANGLICAN CHURCH OF AUSTRALIA**

with alterations as at 16 June 2003

THE CONSTITUTION OF THE ANGLICAN CHURCH OF AUSTRALIA ¹

PART I

CHAPTER I. - FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia,² being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.
2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

CHAPTER II. - RULING PRINCIPLES

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

¹ The change of name from Church of England in Australia was made by Canon 16, 1966 which came into effect on 24 August 1981, following enactments by the Parliaments of all States and Territories.

² See Note 1 above.

Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.
6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

PART II

THE GOVERNMENT OF THE CHURCH

CHAPTER III. - OF THE BISHOPS

7. A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a bishop.
8. There shall be a bishop of each diocese who shall be elected as may be prescribed by or under the constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod, or if the diocese is not part of a province then as prescribed by canon of General Synod.

During any vacancy in the office or incapacity of the bishop of any diocese or during his absence from the diocese for a period exceeding thirty days the authorities powers rights and duties conferred or imposed on him by this

constitution shall be exercised by the person appointed by or under the constitution of the diocese to administer the affairs of the diocese.

General Synod may by canon confer upon a bishop of a diocese the title of Archbishop provided that such canon shall be carried by an affirmative vote of at least two-thirds of the members of each house and shall receive the approval of all the metropolitans.

9. There shall be a Metropolitan (to be called Archbishop) of each province of this Church who shall hold office as prescribed by any Act of Parliament or by the constitution of the province or by ordinance of the provincial synod.

During any vacancy in the office or incapacity of the metropolitan of any province, or during his absence from the province for a period exceeding thirty days the authorities powers rights and duties of the metropolitan under this Constitution shall be exercised by the senior diocesan bishop of the province at the time in the province able and willing to act, seniority being determined by the date of consecration.

10. There shall be a Primate of this Church who shall be elected and hold office as may be prescribed by canon of the General Synod.

During any vacancy in the office or incapacity of the Primate or during his absence from Australia for a period exceeding thirty days, the authorities powers rights and duties of the Primate under this Constitution shall be exercised by the Senior Metropolitan at the time in Australia able and willing to act, or if there is no metropolitan able and willing to act, then by the senior diocesan bishop at the time in Australia able and willing to act, seniority in every case being determined by the date of consecration.

- 11.³ The members of the House of Bishops may apart from their meetings as a House of Bishops of the General Synod meet from time to time for the discharge of the functions assigned to a meeting of them under this Constitution.

12. Such a meeting of the said bishops shall be convened by the Primate on his own initiative or at the request in writing of not less than one-third of the bishops, and shall have power to regulate its own business.

13. The presence of at least one-half of the said bishops shall be necessary to constitute such a meeting of the bishops for the discharge of its functions under this Constitution.

14. A certificate signed by the Primate or metropolitan or bishop presiding in the absence of the Primate and purporting to state a decision of such a meeting of the bishops or the votes of individual bishops shall be evidence of the matters so stated.

³ Amended by Canon 16, 1998 which came into effect 1 March 2000

CHAPTER IV. - OF GENERAL SYNOD

COMPOSITION AND PROCEDURE

15. General Synod shall consist of 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 five members of the House of Bishops or by ten members of the House of Clergy, or by ten 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 General 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 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.

The person who holds office as General Secretary or Treasurer of the General Synod shall be entitled to attend the meetings of the General Synod and shall be entitled to propose motions and speak. However, unless such a person is otherwise a member of the General Synod, that person shall not be permitted to vote nor to be counted in a quorum.⁴

- 16⁵ The House of Bishops shall be composed of the Primate, metropolitans, the diocesan bishops and any bishop who becomes a member of General Synod pursuant to the provisions of subsection 17(8)(a)(i).

- 17.6 (1) The House of Clergy shall be composed of clerical representatives of each diocese and any bishop, priest or deacon who becomes a member of General Synod pursuant to the provisions of Section 17(8)(a)(ii).

- (2) The House of Laity shall be composed of lay representatives of each diocese and any lay person who becomes a member of General Synod pursuant to the provisions of Section 17(8).

- (3) Clerical and lay representatives of a diocese shall be elected or appointed, and any vacancy in the place of a representative shall be

⁴ Paragraph inserted by Canon 17, 1995 which came into effect 17 September, 1997.

⁵ Amended by Canon 16, 1998 which came into effect 1 March 2000

⁶ "Whereas the General Synod recognises the unique historical status of the Aboriginal and Torres Strait Island people, and hence also, the unique relationship between indigenous and non-indigenous people, both within and without the Anglican Church of Australia." In accordance with Resolution 59/98 of General Synod, the Preamble to Canon 16, 1998 is printed here. S.17 was amended by this Canon which came into effect 1 March 2000.

filled at such time and in such a manner as may be prescribed by or under the constitution of the diocese.

- (4) The number of representatives of a diocese shall be determined in accordance with the table annexed to this Constitution and shall be so determined on or as at each date on which the Primate shall sign and seal a mandate summoning the diocesan bishops to convene representatives to an ordinary session or a special session of the General Synod and shall remain fixed until the next such date.⁷
- (5) Every bishop priest or deacon⁸ shall be qualified to be a clerical representative of a diocese if he is resident therein at the date of his appointment and holds a licence from the diocesan bishop, provided however that the qualification of residence in the diocese shall not be necessary in the case of⁹ a diocese having less than thirty-one clergymen resident and duly licensed to officiate therein.
- (6) Every layman who is not under the age of eighteen¹⁰ years and is a communicant of this Church shall be qualified to be a lay representative of a diocese, whether he does or does not reside therein.
- (7) The bishop of each diocese shall certify and transmit to the Primate a list of names and addresses of the clerical and lay representatives of the diocese.

In the event of any change in the representation of a diocese the bishop shall certify and transmit to the Primate a supplementary list showing the change.

Any list or supplementary list so certified shall be evidence that a representative therein named is entitled to be such representative unless a subsequent list shows that he has ceased to be a representative.

- (8)¹¹ (a) For every session of Synod the members of Synod shall include non-diocesan representatives being
 - (i) an Aboriginal bishop and a Torres Strait Islander bishop who shall be members of the House of Bishops;
 - (ii) an Aboriginal bishop, priest or deacon and a Torres Strait Islander bishop, priest or deacon who shall be members of the House of Clergy; and

⁷ Words added by Canon 13, 1992 which came into effect on 25 June 1995.

⁸ Words "or deacon" added by Canon 22, 1985, and Bill 2, 1985 which came into effect on 1 July 1988.

⁹ Words deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995

¹⁰ Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

¹¹ S.17(8) added by Canon 16, 1998 which came into effect on 1 March 2000

- (iii) an Aboriginal lay person and a Torres Strait Islander lay person who shall be members of the House of Laity.
 - (b) Non-diocesan representatives shall be appointed by the Primate on the recommendation of the body appointed by Canon for that purpose.
 - (c) The Primate shall cause non-diocesan representatives to be summoned or convened to a session of Synod as may be specified by Canon.
 - (d) A non-diocesan representative must be a communicant member of this Church who is otherwise qualified as may be specified by Canon.
 - (e) A non-diocesan representative shall be entitled to such vote in Synod as is permitted or authorised by the Constitution but such vote shall not be counted for the purpose of determining whether a canon or resolution has been assented to by a majority of all dioceses.
- 18. General Synod in such manner as it may deem proper may determine whether any person who claims to be a member of the Synod or of any house is entitled to be a member thereof and whether he has been duly and lawfully elected appointed or summoned to the Synod.
- 19.
 - (1) General Synod may proceed to the despatch of business notwithstanding the failure of any diocese to provide for its representation in the Synod and notwithstanding any failure to elect or appoint any non-diocesan representatives of Synod and notwithstanding a vacancy in the office of Primate or a metropolitan or a diocesan bishop.¹²
 - (2) No canon rule act or exercise of power of General Synod shall be vitiated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned, or by reason only of any informality with respect of the election appointing or summoning.
- 20. The Primate or in his absence the Senior Metropolitan present, or if there is no metropolitan present, the senior diocesan bishop present shall be President of the House of Bishops and of General Synod, seniority in every case being determined by the date of consecration.

The President may take part in any discussion and vote on any question.

The President of the House of Bishops and of General Synod may, at any time during a meeting of that house, or of General Synod, call upon a metropolitan, or if there is no metropolitan present, the senior diocesan bishop present to

¹² Words added by Canon 16, 1998, which came into effect on 1 March 2000

preside, temporarily, at the meeting, whether or not the President is present at the meeting.¹³

21. Until General Synod otherwise prescribes the presence of at least seven members of the House of Bishops and at least fifteen members of the House of Clergy representing not less than seven dioceses and of at least fifteen members of the House of Laity representing not less than seven dioceses shall be necessary to constitute a meeting of General Synod for the exercise of its powers.
22. At each session of Synod the House of Clergy and the House of Laity shall elect its own chairman and such other officers as it considers necessary.

SESSIONS

- 23.¹⁴ Until General Synod by canon otherwise prescribes:-
 - (a) Ordinary sessions of Synod shall be held at intervals not exceeding four years, and at such time and place as Synod may by resolution appoint or failing any such resolution then as the Standing Committee of Synod may by resolution appoint provided that the Standing Committee of Synod may on grounds of emergency or other special grounds by resolution defer the summoning of Synod for a period exceeding four years from the previous Synod but not exceeding twelve months from the date of such resolution and may do so from time to time provided further that Synod shall meet at least once in every six years.
 - (b) A special session of Synod shall be convened by the Primate at the request in writing of not less than one-half of the members of the House of Bishops or of one-third of the members of the House of Clergy or of one-third of the members of the House of Laity or upon a resolution of the Standing Committee.

Each request made by members of the House of Bishops, of the House of Clergy or of the House of Laity as aforesaid shall have attached thereto or incorporated therein the bills for canons, rules, statements and resolutions and specify any other business which those who make the request require the synod to consider at such special session.
 - (c) At least four months before the time for any ordinary or special session of Synod the Primate shall by mandate under his hand and seal (bearing the date on which the mandate was signed and sealed, as aforesaid) summon the diocesan bishops, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

13 Paragraph added by Canon 8, 1989 and Bill 4, 1989, which came into effect on 24 August 1989

14 Words added to paragraphs (b), (c) and (d), and paragraph (e) inserted, by Canon 13, 1992 which came into effect on 25 June 1995.

- (d) The procedure and powers of Synod in a special and an ordinary session shall be the same, provided that in a special session no business other than the business specified in the mandate the conduct of such business and matters of procedure shall be transacted.
- (e) The mandate for a special session shall:
 - (i) be accompanied by a copy of the bills for canons, rules, statements and resolutions and specify any other business attached to or incorporated in the request for such special session, and
 - (ii) be accompanied by a schedule listing such business which the Primate or the Standing Committee decide should be considered at the special session.

RECORDS AND SEAL

24. The proceedings of General Synod shall be duly recorded and be authenticated by the signature of the President.

Every canon of General Synod shall be printed in duplicate, and each duplicate shall be certified as correct by the President, the chairman of committees and the secretaries of the Synod, authenticated by the official seal, and filed in books.

25. (1) General Synod shall have an official seal, which shall be judicially noted.

The seal shall not be used to authenticate any canon rule resolution instrument or document or any copy thereof except upon a resolution of Synod or of the Standing Committee of Synod and by and in the presence of at least three members of the said Committee.

- (2) Any canon rule resolution instrument or document authenticated by the official seal shall be admissible in evidence without further proof.

A document purporting to be a copy of any canon rule or resolution so authenticated and purporting to be certified by at least three members of the Standing Committee as a true copy shall be evidence of the canon rule or resolution and be admissible in evidence without further proof.

CHAPTER V. - OF THE POWERS OF GENERAL SYNOD

26. Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions.
- 27.¹⁵ (1) A canon shall be made by a bill passed by General Synod in accordance with the Synod's standing orders provided that -
- (i) the bill shall have been circulated to each diocese and to each non-diocesan representative at least three months before the first day of the session of Synod at which the bill is to be presented, provided that the Standing Committee may allow a shorter period of notice but not less than one month and provided further that General Synod by an affirmative vote in each house of at least three-fourths of the members present may declare a bill to be a matter of urgency and permit it to be included in the agenda without previous notice,¹⁶ and
 - (ii) a special bill shall follow the procedure prescribed in section 28.
- (2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.
- 28.¹⁷ (1) A bill (not being a bill for a canon to alter this Constitution) which deals with or concerns the ritual ceremonial or discipline of this Church shall follow the procedure of this section as a special bill unless, at any time before it votes on a motion that the bill do pass, Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.
- (2) In the case of any other bill (not being a bill for a canon to alter this Constitution) if, at any time before it votes on a motion that the bill do pass, not less than twenty-five members of General Synod petition the President that the bill should be treated as a special bill the President shall put to General Synod the motion that it be so treated and if General Synod so decides the bill shall be dealt with as a special bill.
- (3) A special bill shall be dealt with as other bills are dealt with subject to the following qualifications -

¹⁵ S.27 repealed and a new sec. 27 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

¹⁶ Words added by Canon 16, 1998 which came into effect on 1 March 2000

¹⁷ S.28 repealed and a new sec. 28 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

- (i) a motion that the bill do pass shall be deemed not to be agreed to unless it is agreed to by at least two-thirds of the members of each of the three houses present; upon such a motion being so agreed to the special bill shall stand as a canon provisionally made.
- (ii) The provisional canon shall then be referred to the synod of each diocese for its consideration and each diocesan synod shall submit to the President within a period specified by canon or by the provisional canon its assent to or dissent from the provisional canon together with such report and recommendation as it may think fit.
- (iii) If every diocesan synod reports that it assents to the provisional canon the President shall so declare and thereupon it shall be a canon duly passed otherwise the reports and recommendations received from the diocesan synods shall be presented to General Synod and the provisional canon shall be presented to the synod as if it were a bill.
- (iv) If a subsequent motion that the bill do pass is agreed to by at least two-thirds of the members of each of the three houses present it shall be a canon duly passed unless General Synod, immediately before the vote is taken, by a majority of the three houses voting together shall resolve that it shall be a provisional canon only, whereupon the procedure given above shall again be followed.

29.¹⁸ (1) For the purposes of this section -

- (a) "Act" means a canon, provisional canon, rule, resolution or statement made by General Synod notwithstanding that the canon, the provisional canon, the rule, the resolution or the statement is or may be in whole or in part void; and
- (b) "Proposal" means any proposal that General Synod make a canon or a rule or a statement or that General Synod pass a resolution, being a proposal of which notice has been given to the General Synod in accordance with any requirements applicable thereto (notwithstanding that consideration may or may not have been given to the proposal by General Synod) but does not include an Act.

(2) A reference under this section to the Appellate Tribunal may be made by -

- (a) twenty-five members of the General Synod; or
- (b) one third of the members of the House of Bishops; or

¹⁸ S.29 repealed and a new sec. 29 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

- (c) one third of the members of the House of Clergy; or
 - (d) one third of the members of the House of Laity; or
 - (e) the Primate.
- (3) A reference under this section to the Appellate Tribunal shall:
- (a) be in writing addressed to the President of the Appellate Tribunal;
 - (b) identify the Act or Proposal to which the reference relates;
 - (c) state the question which is or the questions which are to be considered by the Appellate Tribunal;
 - (d) be signed by the Primate or the other persons making the same; and
 - (e) except in the case of a reference by the Primate, be delivered to the Primate.
- (4) The questions which may be stated in a reference under this Section to the Appellate Tribunal are:
- Is any part of the Act or Proposal identified in the reference inconsistent with the Fundamental Declarations or the Ruling Principles?
- Does any part of the Act or Proposal identified in the reference deal with or concern or affect the ritual ceremonial or discipline of this Church?
- (5) If a reference is made under this section to the Appellate Tribunal in relation to a Proposal, the Proposal may become an Act thereafter but the Act shall have no effect prior to the date on which the Appellate Tribunal delivers to the Primate its answer to the question or questions in the reference.
- (6) Subject to sub-section (7) the Appellate Tribunal shall:
- (a) give its opinion or determination with respect to a reference made to it under this section;
 - (b) where a question is answered in the affirmative -
 - (i) incorporate in the answer particulars of each part of the Act or Proposal which caused the question to be so answered, and

- (ii) where the question concerns inconsistency identify the part or parts of the Fundamental Declarations and Ruling Principles with which that part of the Act or Proposal is inconsistent;
 - (c) provide reasons for its decision; and
 - (d) deliver to the Primate its answers and the reasons for its decision.
 - (7)
 - (a) The Appellate Tribunal shall in no case provide an answer in the negative except with the concurrence of at least four members, and where the question involves any question of faith ritual ceremonial or discipline shall not provide an answer in the negative except with the concurrence of at least two bishops and two lay members of the Tribunal; and
 - (b) if the Appellate Tribunal is unable to provide an answer to a question in either the affirmative or the negative the President shall so report to the Primate and advise him in writing of the reasons for that inability.
 - (8) The Appellate Tribunal may, with its answers and reasons:
 - (a) where it provides an answer in the affirmative, specify a change or changes to the Act or Proposal which, if adopted or incorporated therein, as the case may require, would permit a similar question or similar questions relating thereto to be answered in the negative, and
 - (b) add such comment or opinion as the members deem may be of value to the General Synod.
 - (9) Notwithstanding the provisions of sub-section (10) and sub-section (11) of this section and sub-section (2) of Section 73, a decision of the Appellate Tribunal given in an answer pursuant to this section shall be final.
 - (10) An Act which is inconsistent with the Fundamental Declarations and an Act, other than a canon to alter the Ruling Principles, which is inconsistent with the Ruling Principles shall to the extent of the inconsistency, be void.
 - (11) An Act which deals with concerns or affects the ritual ceremonial or discipline of this Church and which has not been made in accordance with the requirements of this Constitution shall, to the extent to which it so deals concerns or affects, be void.
30. Subject to the preceding section and unless the canon itself otherwise provides, a canon duly passed by General Synod shall come into force on and from a date appointed by the President, being not later than one calendar

month from the date upon which the canon was passed. The canon as on and from the appointed date shall apply to every diocese of this Church and any ordinance of any diocesan synod inconsistent with the canon shall to the extent of the inconsistency have no effect.

Provided that:-

- (a) Any canon affecting the ritual, ceremonial or discipline of this Church shall be deemed to affect the order and good government of the Church within a diocese, and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
- (b) If General Synod declares that the provisions of any other canon affect the order and good government of the Church within, or the church trust property of a diocese, such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
- (c) If General Synod should not so declare the synod of a diocese or the diocesan council may declare its opinion that the provisions of the said canon affect the order and good government of the Church within or the church trust property of such diocese and notify the President within one month thereafter and then the following provisions shall apply:-
 - (i) If the said diocesan synod or council declare its opinion as aforesaid within a period of two years from the date of the passing of the said canon and the Standing Committee advises the President that it agrees with the said opinion the canon shall not and shall be deemed not to have come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;
 - (ii) If the said diocesan synod or council declare its opinion at any time after the expiration of the said period of two years and the Standing Committee advises the President that it agrees with the said opinion the said canon shall cease to apply to the said diocese as from the date of the said declaration and shall not after such date again come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;
 - (iii) If the Standing Committee in either case should not so advise the President he shall refer the question raised by the said opinion to the Appellate Tribunal for its determination and unless the Appellate Tribunal determines the question in the negative the canon shall be deemed not to have come into force in the said diocese in the first case or to have force or effect in the said diocese after the date of the said declaration in the second case until the diocesan synod by ordinance adopts the said canon.

- (d) Any canon adopted as aforesaid by a diocesan synod may by ordinance be excluded at a subsequent date.
- (e) This section shall not apply and shall be deemed never to have applied to a canon to alter this Constitution.¹⁹

31.²⁰

32.²¹

- (1) Synod shall not make any canon or rule imposing any financial liability on any diocese except in accordance with this section.
- (2) Synod may by canon or rule provide for the costs charges and expenses in or in connection with -
 - (a) The carrying into effect of this Constitution;
 - (b) The holding of synod and the conduct of its business;
 - (b1) The implementation of and giving effect to any canon rule or resolution of Synod;
 - (c) The meetings and the conduct of the affairs of the Standing Committee and any other committee, board or commission established by Synod;
 - (d) The sittings of the Appellate Tribunal to hear and determine any appeal question or matter made or referred to it and the sittings of the Special Tribunal to hear and determine any charge brought before it;
 - (e) The maintenance of the registry of the Primate, and primatial travelling expenses;
 - (f) The election or appointment of the corporate trustees and the administration of the affairs of the body corporate.

Provided that in respect of the calendar year next following an ordinary session of Synod such canon or rule shall not impose any financial liability on the dioceses pursuant to paragraphs (a), (b1), (c) and (e) which in the aggregate exceeds an estimate of the costs charges and expenses for that year in connection with those matters approved by Synod.

- (3) Notwithstanding subsection (2), Synod may make any canon or rule imposing a financial liability on any diocese of this church in respect of

¹⁹ Proviso (e) added by Canon 22, 1985, which came into effect on 1 July 1988. No alteration to section 30 was made by Bill 2, 1985. The proviso was also added by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

²⁰ S.31 repealed by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

²¹ S.32 substantially altered by Canon 2, 1989 and Bill 1, 1989, which came into effect on 23 August 1989.

matters not included in subsection (2) but such liability shall only be incurred by that diocese if by ordinance it assents to the same.

- (4) Subject to this section, Synod may by canon or rule provide for the levying of assessments on dioceses of this Church, the method of calculating such assessments and their apportionment between the said dioceses.
 - (5) Subject to the provisions of any canon rule or resolution of Synod the Standing Committee is empowered to determine or approve the amounts to be expended in respect of any of the matters for which Synod may, in accordance with this section, impose a financial liability on a diocese.
33. (1) General Synod may make rules prescribing anything necessary or convenient for carrying out and giving effect to any canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing -
- (a) The procedure for any election or appointment to be made by or under the authority of Synod to any office;
 - (b) The authorities powers rights and duties of any officer committee board or commission of Synod.

A rule shall be made by resolution after notice has been duly given in accordance with the standing orders.

- (2) General Synod may regulate the conduct of its business under standing orders or otherwise as it may deem proper.

CHAPTER VI. - COMMITTEES BOARDS AND COMMISSIONS

34. There shall be a Standing Committee of General Synod which shall consist of so many members not less than ten as may be prescribed by any rule of Synod.

The members of the Committee shall be elected or appointed and shall hold office as may be prescribed by any rule of the Synod.

The seal books and records of General Synod shall be in the care and control of the Standing Committee.

The functions, duties and powers of the Standing Committee shall be those prescribed by canon or rule of Synod (whether made before or after the commencement of this paragraph).²²

²² Paragraph added by Canon 2, 1989, and Bill 1, 1989, which came into effect on 23 August 1989.

35. General Synod shall appoint such boards of assessors as may be required for the purposes of this Constitution and may appoint any committee board or commission that it may deem proper for carrying out or giving effect to any canon rule or resolution of Synod, and the following provisions of this section shall apply to a board of assessors as well as to any such committee board or commission.

The power to appoint under this section may be exercised by the General Synod itself, or may be exercised by the Standing Committee.²³

Unless otherwise provided by any canon or rule of Synod -

- (a) The committee board or commission may include or consist of persons who are not members of Synod;
- (b) The members of the committee board or commission shall be elected or appointed and shall hold office as may be determined by resolution of Synod but shall not, unless the resolution so provide, cease to be members of the committee board or commission by reason only of ceasing to be members of Synod;
- (c) The committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of Synod;
- (d) The committee board or commission may, if Synod by resolution so directs, continue to exist and to exercise and perform its powers and duties, until the expiration of the first week of the next following ordinary session of Synod.

CHAPTER VII - THE PROVINCES AND PROVINCIAL SYNODS

PROVINCES

36. A province of the Church of England in the Dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.
37. A new province may be formed by any four or more dioceses associating for that purpose, provided that the formation of the province is approved by ordinance of the diocesan synod of each of such dioceses, and ratified by canon of General Synod. Nevertheless General Synod may upon a petition preferred to it by less than four dioceses declare that such petitioning dioceses may proceed under this section and the same shall then apply to them accordingly.
38. A province may be altered in accordance with the constitution of the province either by an increase or by a decrease in the number of dioceses forming the

²³ Sentence added by Canon 6, 1998 which came into effect on 1 March 1998.

province, provided that the alteration shall not take effect until ratified by canon of General Synod.

PROVINCIAL SYNODS

39. The constitution of each province of the Church of England in the dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance with the provisions of this Constitution.
40. The constitution of a new province may provide either for a provincial synod or for a provincial council, and in either case may contain such provisions as the diocesan synod of each of the dioceses to be included in the province may think fit, provided that the constitution shall not take effect until ratified by canon of the General Synod.
41. The constitution of a province may be altered in accordance therewith, or with the consent of all the dioceses of the province given by ordinance of the synod of each diocese, provided that the alteration shall not take effect until ratified by canon of General Synod.

This section extends to altering the constitution of a province by substituting a provincial council for a provincial synod, or by substituting a provincial synod for a provincial council.

42. A provincial synod or a provincial council shall have such powers for the order and good government of this Church, within the province as may be prescribed by the constitution of the province.

CHAPTER VIII. - THE DIOCESES AND DIOCESAN SYNODS

DIOCESES

43. A diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.
44. (1)²⁴ A new diocese may be formed in any of the following ways, that is to say -
 - (a) by separation of territory from a diocese;
 - (b) by the union of two or more dioceses or parts of dioceses.

²⁴ S.44(1) amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

- (c) out of territory in Australia which is not part of any diocese, and either out of such territory alone or out of such territory together with any diocese or part of a diocese.
 - (2) Where a new diocese is formed by separation of territory from a diocese or by the union of two or more dioceses or parts of dioceses, the proposal to form the new diocese may be initiated by the diocese or dioceses concerned or by the province, if any, in which the diocese or dioceses are included but the new diocese shall not be formed unless such diocese or dioceses and province, if any, agree by ordinance of their respective synods that the new diocese shall be formed, and General Synod by canon ratify the formation of the new diocese.
 - (3) In any other case the proposal to form a new diocese may be initiated in General Synod, but where any diocese or part of a diocese is to be included, the new diocese shall not be formed unless the synod of the diocese and the synod of the province in which the diocese is included concur by ordinance and the new diocese shall be deemed to be formed as General Synod may by canon determine.
 - (4) Upon the formation of a new diocese any church trust property allocated to the new diocese by ordinance of the synod of any diocese concerned, and any church trust property allocated to the new diocese by canon of General Synod in any case where a diocese is not concerned, shall by virtue of the ordinance or canon, as the case may be, and without any other assurance in the law, be held by and be vested in the trustees then or thereafter appointed for the purpose and upon and subject to the trusts affecting the same, but for the use benefit and purposes of this Church within the new diocese.
45. (1) A diocese may by ordinance surrender the whole or any part of its territory to any other diocese, and that other diocese may by ordinance accept the territory so surrendered. Provided however a diocese which has been formed by the separation of territory from a diocese or dioceses shall not surrender such territory to any diocese other than the diocese from which the territory was last separated without the consent of such last-mentioned diocese given by an ordinance of the synod thereof.
- The surrender and acceptance may be made upon such terms and conditions, including the allocation of church trust property as may be agreed upon by ordinances made by the dioceses concerned.
- (2) A diocese may by ordinance alter its boundaries so as to include territory which is not part of any diocese or so as to exclude territory otherwise than by surrender to another diocese.
 - (3) Any surrender or alteration under this section shall not take effect until ratified by or under canon of General Synod.

46. General Synod may by canon admit to the synod any diocese the territory of which is partly or wholly outside Australia and may upon such admission impose such terms and conditions, including the extent of representation in the House of Clergy and in the House of Laity, as the Synod thinks fit.

DIOCESAN SYNODS

47. The constitution of each diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

48. The constitution of a new diocese shall provide for the election or appointment of the first bishop of the diocese and shall contain such other provisions as may be deemed necessary or convenient, whether set forth expressly or adopted by reference to the provisions set forth in a canon of General Synod, or adopted by reference to the provisions of the constitution of any other diocese, and whether so adopted with or without modifications and additions.

The constitution of the new diocese shall not take effect until ratified by or under canon of General Synod.

- 49.²⁵ In a diocese in which less than ten priests are licensed if there be no diocesan synod and until General Synod by or under any canon otherwise prescribes there shall be a diocesan council with such constitution as General Synod thinks fit.

If in any diocese in which there is no provision for a synod the office of the bishop become vacant, the office shall be filled as prescribed by canon of General Synod, or if there is no such canon, then in accordance with the provisions under which the last election or appointment was made.

If in any diocese there is no synod or diocesan council the General Synod may by canon appoint a synod or council.

50. The constitution of a diocese may be altered in accordance therewith or as the synod of the diocese may by ordinance determine in accordance with any canon of General Synod.

51. Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.

²⁵ S.49 amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

CONSENT OF DIOCESE TO ALTERATION

52. (1) Notwithstanding any provision to the contrary contained in this Constitution or anything done thereunder General Synod shall not without the assent by ordinance of the diocese concerned alter or permit the alteration of -
- (a) The constitution or boundaries of a diocese or any of the powers rights or duties of the synod of a diocese or of any diocesan society council board agency or authority, including the powers rights and duties relating to church trust property and the rights of a diocese with regard to the election of its bishop;
 - (b) The qualifications or mode of election of the representatives of a diocese in General Synod;
 - (c) The status of any diocese as a metropolitan see or the title to or tenure of office of any metropolitan.
- (2) Except with its own assent by ordinance no metropolitan see shall cease to be a metropolitan see or to have associated with it three dioceses.

CHAPTER IX. - THE TRIBUNALS

53. There shall be a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.

54. (1) A diocesan tribunal shall be the court of the bishop and shall consist of a president, who shall be the bishop, or a deputy president appointed by him and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

The members other than the president and deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the diocese.

In any province the provincial synod if so requested by the synod of a diocese may by ordinance of the provincial synod prescribe any matter directed or permitted by this section to be prescribed by ordinance of the synod of the diocese, provided that the synod of the diocese may at any time otherwise prescribe.

- (2) A diocesan tribunal shall in respect of a person licensed by the bishop of the diocese, or any other person in holy orders resident in the diocese, have jurisdiction to hear and determine charges of breaches

of faith ritual ceremonial or discipline and of such offences as may be specified by any canon ordinance or rule.

(2A)²⁶ A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for twelve months or upwards in respect of a member of clergy if:-

- (a) the act of the member of clergy which gave rise to the charge occurred in the diocese;
- (b) the member of clergy was licensed by the bishop of the diocese or was resident in the diocese within two years before the charge was laid; or
- (c) the member of clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the bishop of the diocese or was ordinarily resident therein.

(2B) Where a person has been found guilty of an offence by a diocesan tribunal in the exercise of its jurisdiction under sub-section (2A), the bishop of the diocese shall consult as to penalty with the bishop of the diocese by whom the person is licensed or in which the person resides at the time of the finding and no penalty may be imposed to which the latter bishop does not express concurrence.

(3) A person appointed by the bishop of a diocese or any five adult communicant members of this Church resident within the diocese may promote a charge against any person licensed by the bishop of the diocese or against any other person in holy orders resident in the diocese in respect of breach of faith ritual or ceremonial either before the diocesan tribunal or before the provincial tribunal in its original jurisdiction. Provided that if a charge be preferred against an incumbent of a parish with reference to an offence alleged to have been committed within that parish the aforesaid communicants shall be bona fide parishioners of that parish.

Provided further that before any charge relating to faith ritual or ceremonial be heard by the tribunal it shall be referred to a board of enquiry appointed by ordinance of the diocesan synod and may proceed to a hearing if the said board allows it as a charge proper to be heard.

(4) In matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a diocesan tribunal to the Appellate Tribunal, provided that in any province in which there is a provincial tribunal and an appeal thereto is permitted by ordinance of the diocesan synod, an appeal may lie in the first instance to the

²⁶ Sub-sections (2A) and (2B) added by Canon 10, 1998 as amended by Canon 8, 2001, both of which came into effect on 16 June 2003.

provincial tribunal, and provided that in any such case an appeal shall lie from the determination of the provincial tribunal to the Appellate Tribunal.

In other matters an appeal shall lie in such cases as may be permitted by ordinance of the diocesan synod from a determination of the diocesan tribunal to the provincial tribunal, if any, or to the Appellate Tribunal, and from a determination of the provincial tribunal to the Appellate Tribunal.

55. (1) A provincial tribunal shall consist of a president who shall be the metropolitan, or a deputy president appointed by him, and not less than two other members as may be prescribed by ordinance of the synod of the province.

The members other than the president or deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the province.

- (2) A provincial tribunal shall have jurisdiction to hear and determine appeals from any determination of any diocesan tribunal of the province in any case in which an appeal lies there from to the provincial tribunal.

Every appeal to a provincial tribunal shall be by way of re-hearing.

- (3) A provincial tribunal shall, in respect of a person licensed by the bishop of a diocese within the province, have original jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be specified by any canon ordinance or rule, provided that such original jurisdiction shall not be exercised except as prescribed by ordinance of the synod of the diocese.
- (4) An appeal shall lie to the Appellate Tribunal from a determination of a provincial tribunal in its original jurisdiction.

- 56.²⁷ (1) Subject to this section, the Special Tribunal shall consist of three persons being:

- (a) a person qualified to be a lay member of the Appellate Tribunal who shall be the President of the Special Tribunal;
- (b) a diocesan bishop; and
- (c) a priest of at least seven years' standing.

- (2) No person by or against whom proceedings in the Tribunal are brought shall be a member of the Special Tribunal.

²⁷ S.56 extensively amended by Canon 14, 2001 which came into effect on 16 June 2003.

- (3) Members of the Special Tribunal shall be elected by or shall be appointed from a panel of persons elected by General Synod as prescribed by canon.
 - (4) The period of office of members of the Tribunal shall be as prescribed by canon.
 - (5) Until the Synod shall by canon otherwise prescribe:
 - (a) the members of the Special Tribunal shall be appointed by the Primate on the nomination of the Standing Committee to hold office for up to five years;
 - (b) in the absence of a member from Australia or in the event of the inability of a member to act, the Primate may appoint a person eligible to be appointed as that member to act in place of that member during the absence or inability. Such acting member shall continue to act in respect of any charge whose hearing commences whilst he or she is Acting President or member;
 - (6) The Special Tribunal shall have jurisdiction to hear and determine charges against:
 - (a) any member of the House of Bishops; and
 - (b) any bishop assistant to the Primate in his capacity as Primateof breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon
 - (7) An appeal shall lie from the determination of the Special Tribunal to the Appellate Tribunal, subject to any limitation as may be prescribed by canon.
 - (8) The provisions of this section and of sections 60 and 61 as in force before the date of the coming into effect of the Constitution Alteration (Special Tribunal) Canon 2001 shall continue to apply to any proceedings commenced in the Special Tribunal before that date.²⁸
57. (1) The Appellate Tribunal shall consist of seven members three of whom shall be diocesan bishops and four of whom shall be laymen.
- The members shall be appointed by the General Synod as follows, that is to say, a bishop and a layman on the nomination of the House of Bishops, a bishop and a layman on the nomination of the House of Clergy and a bishop and two laymen on the nomination of the House of Laity.
- A president and deputy president shall as often as may be necessary be chosen from among the lay members of the tribunal by the House of

²⁸ The Constitution Alteration (Special Tribunal) Canon 2001 came into effect on 16 June 2003.

Bishops, or, if General Synod be not in session, by a meeting of the members of the House of Bishops.

A layman shall not be a member unless he is qualified to be a lay representative of a diocese, and is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practising barrister or solicitor, of at least ten years' standing of the Supreme Court of a State or Territory.²⁹

- (2) The members of the tribunal shall be nominated and appointed in such manner, hold office for such period and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by or under canon of General Synod.

No party to an appeal shall be a member of the tribunal for any purpose of the appeal and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office.

The Appellate Tribunal shall have jurisdiction to hear and determine appeals from any determination of the Special Tribunal and from any determination of any diocesan or provincial tribunal in any case in which an appeal lies there from to the Appellate Tribunal.

Every appeal to the Appellate Tribunal shall be by way of re-hearing.

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it who has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order for costs only.

- (3) Unless otherwise prescribed by canon of General Synod, the Appellate Tribunal may hear and determine any appeal question or matter made or referred to it although all the members thereof be not present at such hearing or determination, provided that there be present at least two bishops and three laymen. And provided further that if during the hearing of any appeal a member attending the tribunal should die or become unable to continue with the hearing the appeal may proceed so long as the president two bishops and one other lay member or the deputy president two bishops and one other lay member be present provided further that if the number of those present on any appeal should be evenly divided on any question of evidence or procedure the

²⁹ Words inserted by Schedule Two of Canon 14, 1992 which came into effect on 25 June 1995.

president (or in his absence the deputy president) shall have a casting as well as a deliberate vote.

58. (1) Before determining any appeal or giving an opinion on any reference the Appellate Tribunal shall in any matter involving doctrine upon which the members are not unanimous upon the point of doctrine and may, if it thinks fit, in any other matter, obtain the opinion of the House of Bishops, and a board of assessors consisting of priests appointed by or under canon of General Synod.
- (2) In any case where the House of Bishops is consulted under this section, the House of Bishops shall aid the tribunal with such information in writing as it thinks proper, provided that if all members of the House of Bishops do not concur each of the members at the time in Australia may aid the tribunal with such information in writing as he thinks proper. For the purposes of this sub-section the House of Bishops shall not include the bishops who are members of the Appellate Tribunal.
59. (1) In all appeals and references to the Appellate Tribunal in any matter involving any question of faith ritual ceremonial or discipline the concurrence of at least two bishops and two laymen and in any other matter the concurrence of at least four members, shall be necessary for the determination of an appeal or the giving of an opinion upon a reference.
- (2) General Synod may by canon prescribe any matter incidental to the exercise of any jurisdiction vested by this constitution in the Special Tribunal or in the Appellate Tribunal including the power to award costs.
- (3) Unless otherwise prescribed by or under any canon of General Synod, the procedure with respect to hearings and determinations of the Special Tribunal, and with respect to appeals or references to the Appellate Tribunal shall be regulated in such manner as the tribunal thinks fit.
- (4) The person who brings a charge before a diocesan or provincial tribunal or before the Special Tribunal if dissatisfied with its determination or recommendation and the person so charged if dissatisfied with the recommendation or sentence pronounced upon such recommendation may within twenty-eight days or within such further time as the president of the Appellate Tribunal may in writing allow after the making of the determination recommendation or the pronouncing of the sentence as the case may be, institute an appeal to the Appellate Tribunal by lodging a notice of appeal in the registry of the Primate and in the registry of the bishop of the diocese or metropolitan concerned and in the case of any sentence or deprivation of or suspension from office the bishop or metropolitan who has pronounced such sentence may thereupon if he sees fit intermit the operation of such sentence.

60. (1)³⁰ A tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:
- (a) deposition from orders;
 - (b) prohibition from functioning;
 - (c) removal from office;
 - (d) rebuke.

Except as otherwise provided herein such recommendation shall be made to the bishop of the diocese concerned.

The recommendation of the Special Tribunal, or of the Appellate Tribunal on an appeal from the Special Tribunal, shall be made to the Primate, provided that if the Primate be a party to the appeal or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate, if the office were then vacant.

- (2) The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and in the exercise of his prerogative of mercy (a) mitigate the sentence or (b) suspend its operation or (c) mitigate the sentence and suspend its operation. In each case he shall pronounce the sentence recommended even though he mitigate or suspend it. Provided that if the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years such sentence shall thereafter have no operation.
- (3) If in any case the Appellate Tribunal is precluded from determining the appeal, either because the members present at the hearing are equally divided or because there is no such concurrence as is required by this Constitution, the provisions of this sub-section shall have effect, that is to say:-
- (a) where any recommendation adverse to the person charged made by a diocesan or a provincial tribunal or by the Special Tribunal, or
 - (b) where any sentence pronounced against him would but for this sub-section continue in force,

the person to whom the recommendation was made or who pronounced the sentence shall in consultation with the Appellate Tribunal review the recommendation or sentence, and after such review may give effect or abstain from giving effect to the recommendation, or may confirm, mitigate or annul the sentence and may give or abstain from giving directions for restoration of office rights and emoluments as he shall think proper and for such compensation

³⁰ S.60 (1) amended by Canon 14, 2001 which came into effect 16 June 2003.

where compensation is available as in the circumstances he may deem to be fair and reasonable.

- (4) The provisions of this Constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from the recommendation or sentence but shall not extend to a ruling of a tribunal of an interlocutory nature.
- 61³¹.
- (1) Where a charge has been promoted before a tribunal against any person licensed by the bishop of a diocese, the bishop with the concurrence of the diocesan council may suspend such person from the duties of his office until the determination of the charge or for some lesser time, and may make such arrangements for the performance of the duties of the office as may be authorised by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.
 - (2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –
 - (a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;
 - (b) the charge will not allege a breach of faith, ritual or ceremonial; and
 - (c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence.
 - (3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –
 - (a) the intention of the bishop or any other authorised person to promote the charge;
 - (b) the conduct complained of; and
 - (c) the period of suspension.

The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –

 - (d) a person has been suspended under subsection (2);

³¹ S.61 extensively amended by Canon 13, 2001 which came into effect on 16 June 2003, and further amended by Canon 14, 2001 which also came into effect on 16 June 2003.

- (e) the period of suspension has elapsed; and
- (f) a charge has not been promoted during the period of suspension;

no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.

- (4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter.
- (5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
- (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

61A³² Where a charge has been promoted against the bishop of a diocese, the President of the Special Tribunal with the concurrence of the Diocesan Council, meeting when the bishop is not present, may, after considering any submission from the bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time. If such suspension is made and is from a paid office, or if the person voluntarily stands aside from performing the duties of office, the person shall be deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.

- 62.³³
- (1) For the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise a tribunal shall be deemed to be an arbitrator within the meaning of any law in force in the State or Territory in which the tribunal sits and shall have power to administer an oath to or take an affirmation from any witness and for the same purpose any party to a proceeding before a tribunal or any person permitted by a tribunal to submit evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of any such law.
 - (2) In any proceeding before a tribunal, the tribunal shall admit as evidence that a person charged has been convicted of an offence, and proof of such conviction shall be evidence of the facts giving rise to such conviction. This provision shall not apply if such conviction has been quashed or set aside or in respect of which a pardon has been given.

³² S.61A inserted by Canon 14, 2001 which came into effect on 16 June 2003.

³³ S.62 amended by the addition of sub-sections (2) and (3) by Canon 10, 1998 as amended by Canon 8, 2001, both of which came into effect on 16 June 2003.

- (3) In any proceedings before a tribunal, the transcript of any criminal proceedings in which the member of clergy the subject of a charge before the tribunal was a party shall be admitted as evidence in the same way as if the persons whose evidence appears in the transcript had given evidence in person before the tribunal. Provided that, the tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the member of clergy charged.
- 63.
- (1) Wherever a question arises under this Constitution and in the manner provided and subject to the conditions imposed by this Constitution the question is referred for determination or for an opinion to the Appellate Tribunal the tribunal shall have jurisdiction to hear and determine the same or to give its opinion as the case may require provided that if provision is not otherwise made under this Constitution for the reference of such question to the tribunal the Primate may and shall at the request of General Synod by resolution or at the written request of twenty-five members thereof or at the request by resolution of the provincial or diocesan synod affected refer the question to the tribunal which shall have jurisdiction as aforesaid.
 - (2) The tribunal may direct that any synod person or class of persons or association claiming to be interested in the question shall be notified of the hearing and be entitled to appear or be represented thereat.

CHAPTER X. - THE CORPORATE TRUSTEES

- 64.
- (1) There shall be a body corporate to be known as "The Anglican Church of Australia Trust Corporation"³⁴ and in this section referred to as the corporate trustees.

The body corporate shall be deemed to be constituted as soon as this constitution takes effect.
 - (2) The corporate trustees shall have perpetual succession and a common seal, may sue and be sued in and by their corporate name, and may acquire and hold any real and personal property or any estate or interest therein.
 - (3) The corporate trustees shall consist of seven or such less number of persons as may be prescribed by canon of the General Synod, and such persons shall be elected or appointed and hold office, and may be removed therefrom, as may be prescribed by canon of the General Synod.
 - (4) The corporate trustees may be appointed to be the trustees of any church trust property, whether the appointment is made by a person giving or settling property by will or otherwise or by a person entitled

³⁴ The name of the Corporation was changed from The Church of England in Australia Trust Corporation by Canon 16, 1966 which came into effect on 24 August 1981.

under the trust instrument, if any, or by law to appoint a trustee, provided that where the property is under the control of the synod of a diocese or is held exclusively for the benefit of or in connection with a diocese or any part thereof the appointment shall not be made unless the consent of the synod of the diocese is first obtained, and provided that where the property is not under such control or is not so held but is under the control of any society council board agency or authority, whether a body corporate or otherwise, the appointment shall not be made unless the consent of the society council board agency or authority is first obtained.

- (5) Nothing contained in this section or done thereunder shall remove any church trust property from the control of any diocesan synod or from the control of any such society council board agency or authority.

CHAPTER XI. - THE ALTERATION OF THIS CONSTITUTION

65. This Constitution shall not be altered except in accordance with the provisions of this chapter.

66. This Church takes no power under this Constitution to alter sections one, two and three and this section other than the name of this Church.

67.³⁵ (1) Subject to the provisions hereinafter mentioned other sections of this Constitution may be altered by canon of General Synod subject to the following conditions:-

(a) (i) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause which does not deal with or concern or affect the ritual ceremonial or discipline of this Church shall be a canon duly made if it has been passed by a vote of at least two thirds of the members of each house and it has been assented to by a majority of all dioceses of which two at least shall be metropolitan sees. For the purposes of this sub-paragraph (a)(i) a diocese shall be deemed to have assented to a bill if a majority of its lay representatives and a majority of its clerical representatives and the bishop thereof have voted in favour of its passing.

(ii) Any other bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect until at least three quarters of the

³⁵ S.67 repealed and a new sec. 67 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992. S.67 again repealed and a new sec. 67 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

diocesan synods of this Church including all the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

- (iii) A bill of the kind referred to in sub-paragraph (i) shall be a canon duly made and shall come into effect if it is passed and assented to in the manner prescribed by sub-paragraph (ii).

Sections 11-14, inclusive; 18-25, inclusive; 27; 32-35, inclusive; 64(1)(2) and (3); 68-70, inclusive; 75.

- (b) A bill for a canon to alter the name of this Church or the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until every diocesan synod of this Church has assented to it by ordinance and all such assents be in force at the same time.

Sections 64 (4) (5); 67 (1)(b).

- (c) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause or to add a new section to this Constitution (not being a new section that alters a provision referred to in paragraph (a) or paragraph (b) of this sub-section) shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until at least three quarters of the diocesan synods of this Church including all of the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

Sections 4-10, inclusive; 15-17, inclusive; 26; 28-30, inclusive; 36-63, inclusive; 65; 67 (1) (a) and (c); 71-74, inclusive; the Table annexed to the Constitution.

- (2) Upon a canon to alter the Constitution being duly made in accordance with this Section and upon the President determining that there is no condition, or that no condition remains, to which the coming into effect is subject the President shall appoint a date, being not earlier than three months nor later than six months from the date upon which he so determines, on which the canon shall come into effect; the date appointed shall be notified in the Commonwealth of Australia Gazette and in the Government Gazette of each State.
- (3) Where a member of synod is administering a diocese during a vacancy in the see or during the absence or incapacity of the bishop of the diocese, the bishop shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if the member

so administering the diocese has voted in favour of the passing of the bill.

- (4) Where:
- (a) the only lay or clerical representative of a diocese is absent from Synod;
 - (b) one or more lay or clerical representatives are absent from the Synod and only one-half of the number of lay or clerical, as the case may be, representatives have voted in favour of the passing of the bill;

a majority of the lay or clerical, as the case may be, representatives shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if a majority of all the representatives of the diocese present have voted in favour of the passing of the bill.

CHAPTER XII. - THE OPERATION OF THIS CONSTITUTION

68. (1) This Constitution shall take effect on and from a day to be appointed in accordance with this section.

The day shall not be appointed until the Parliaments of five States have passed Acts for giving effect to this Constitution.

The day shall be appointed by a deed signed by the diocesan bishops of not less than eighteen dioceses of the Church of England in Australia and Tasmania declaring that their respective dioceses have assented to this Constitution.

The bishops signing the deed shall include at least two metropolitans.

- (2) The day appointed shall be notified in the Commonwealth Gazette by one or more of the metropolitans by whom the deed appointing the day is signed and shall also be notified in the Government Gazette of each State concerned by any one or more of the diocesan bishops by whom the deed appointing the day is signed.

A copy of the Commonwealth Gazette containing a notification of the appointed day which purports to be signed by one or more of the metropolitans shall be conclusive evidence that the day has been duly appointed in accordance with this section.

- (3) The diocesan bishops signing the deed or such of them as shall still be in office shall be a commission for convening the first session of General Synod, and notwithstanding any other provision of this

Constitution the commission may do or cause to be done anything necessary or convenient for the convening and holding of the session.

The commission shall appoint the place for the session and the time which shall be not later than twelve months after the day on which this Constitution takes effect, and shall at least three months before the time for the session in such manner as the commission deems proper summon the diocesan bishops of the dioceses to which this Constitution applies, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

69. (1) Subject to all necessary parliamentary enactments this Constitution shall apply to every diocese of the Church of England in Australia and Tasmania which assents to the constitution, whether before or after this Constitution takes effect, and to every diocese formed or admitted to General Synod under this Constitution. The assent of a diocese shall be given by an ordinance of its synod or if there be no synod or diocesan council by a certificate of its bishop.

(2) Where all the dioceses of any province so assent to this Constitution, it shall apply to the province as well as to each diocese.

If four or more dioceses of a province assent such dioceses shall constitute a province under this Constitution.

(3) If any diocese in Australia does not assent to this Constitution such diocese shall not by reason only of that fact cease to be in fellowship or communion with this Church or with the Church of England in the dioceses of Australia and Tasmania, but may have association with this Church on such terms and conditions as may be agreed upon by ordinance of the diocesan synod of the diocese and by canon of General Synod.

70. This Constitution and all canons and rules passed and made hereunder shall be binding on the bishops clergy and laity as members of this Church and for all purposes connected with or in any way relating to church trust property.

71. (1) Every consensual compact and every enactment in force in the Church of England in the dioceses of Australia and Tasmania, or in any province or diocese which has become or becomes a province or diocese to which this Constitution applies shall insofar as they are not inconsistent with this Constitution, continue in force in this Church or in the province or diocese, until altered under this Constitution or under the constitution of the province or diocese.

This sub-section extends to any determination rule or regulation made by the Synod known as the General Synod of the Church of England in the dioceses of Australia and Tasmania, any constitution act canon or ordinance made by the provincial synods of New South Wales, Victoria, Queensland, and Western Australia respectively, and any

constitution act canon ordinance rule or regulation made by the diocesan synod of any diocese in Australia.

Nothing in this Constitution shall authorise the synod of a diocese or of a province to make any alteration in the ritual or ceremonial of this Church except in conformity with an alteration made by General Synod.

- (2) The law of the Church of England including the law relating to faith ritual ceremonial or discipline applicable to and in force in the several dioceses of the Church of England in Australia and Tasmania at the date upon which this Constitution takes effect shall apply to and be in force in such dioceses of this Church unless and until the same be varied or dealt with in accordance with this Constitution.
72. Where any question arises as to the faith ritual ceremonial or discipline of this Church or as to the authorities powers rights and duties of bishops priests and deacons of this Church, or of any officer or member thereof, nothing in this Constitution shall prevent reference being made to the history of the Church of England in England to the same extent as such reference might have been made for the purposes of the Church of England in the dioceses of Australia and Tasmania immediately before the day on which this Constitution takes effect.
73. (1) In determining any question as to the faith ritual ceremonial or discipline of this Church any tribunal may take into consideration but shall not be bound to follow its previous decisions on any such questions or any decision of any judicial authority in England on any questions of the faith ritual ceremonial or discipline of the Church of England in England.
- (2) A determination of any tribunal which is inconsistent or at variance with any decision of such a judicial authority in England shall have permissive effect only and shall not be obligatory or coercive.
- (3) A determination of a provincial tribunal shall be binding upon a diocesan tribunal in the province and a determination of the Appellate Tribunal shall be binding upon the Special Tribunal the provincial tribunal and the diocesan tribunal provided however that the synod of a diocese may by ordinance direct that a diocesan tribunal shall not follow or observe a particular determination of the Appellate or provincial tribunal which has permissive effect only.
74. (1)³⁶ In the constitution unless the context or subject matter otherwise indicates -

"Alteration" includes repeal, and "alter" and "altered" have a meaning corresponding with that of alteration.

³⁶ Definition of "Missionary diocese" deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July, 1995.

"Australia" includes the Commonwealth of Australia and any Territory under the control of the Commonwealth of Australia whether by trusteeship or otherwise.

"Canonical fitness" means, as regards a person, that:

- (a) the person has attained at least 30 years of age;
- (b) the person has been baptised; and
- (c) the person is in priests' orders³⁷

"Canonical Scriptures" means the canonical books as defined by the sixth of the Thirty-nine Articles.

"Ceremonial" includes ceremonial according to the use of this Church, and also the obligation to abide by such use.

"Church trust property" means property held in trust for or on behalf of or for the use of this Church and includes property held for the benefit of or in connection with any diocese or parish or otherwise.

"Diocesan bishop" means the bishop of a diocese.

"Diocesan council" in a diocese where there is a synod means the body exercising powers and functions of the synod on its behalf when it is not in session.

"Diocesan synod" and "synod of a diocese" include a diocesan council where there is no diocesan synod.

"Diocese" means a diocese of this Church.

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"Doctrine" means the teaching of this Church on any question of faith.

"Faith" includes the obligation to hold the faith.

"General Synod" or "Synod" means the General Synod under this Constitution.

"Incumbent" includes the minister in charge of a parish, a parochial district or similar pastoral division³⁹

"Licence" means a licence under seal of the bishop of a diocese, and "licensed" has a meaning corresponding with that of licence.

³⁷ Definition substituted for previous definition by Canon 9, 1989 and Bill 5, 1989 which came into effect on 5 June 1995.

³⁸ Definition "Discipline" deleted by Canon 18, 1998 which came into effect on 14 April 2003 – see new section 74 (9)

³⁹ Definition inserted by Canon 9, 1995 which came into effect 1 May 1997.

"Member of this Church" means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church.⁴⁰

"Metropolitan" includes the bishop exercising the authorities powers rights and duties of the metropolitan.

"Month" means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.⁴¹

"Ordinance" includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod or of the competent authority in or with respect to a missionary diocese.

"Parish" includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

"Parishioner" means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least eighteen years of age.⁴²

"Primate" includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate.

"Printing" shall include typing, duplicating or any other method of producing facsimile copies.

"Provincial synod" includes a provincial council.

"Ritual" includes rites according to the use of this Church, and also the obligation to abide by such use.

"See" means a see of this Church.

"State" means a State of the Commonwealth of Australia.

"This Church" means the Anglican Church of Australia⁴³.

"This Constitution" or "the Constitution" means the Constitution of this Church.

⁴⁰ Altered by Canon 12, 1985 and Bill 1, 1985 which came into effect on 1 July 1988.

⁴¹ Added by Canon 2, 1998 which came into effect on 14 May 2001

⁴² Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

⁴³ See Note 1 above.

"Voting by houses" means the procedure whereby three distinct votes are taken, that is to say, a vote of the House of Laity, a vote of the House of Clergy, and a vote of the House of Bishops.

- (2) In this Constitution "the Book of Common Prayer" means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book entitled "The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons," and generally known as the Book of Common Prayer 1662.
- (3) In this Constitution "the doctrine and principles of the Church of England embodied in the Book of Common Prayer" and the "articles of religion" sometimes called the "Thirty-nine Articles" means the body of such doctrine and principles.
- (4) In this Constitution, unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine.
- (5) In this Constitution "decision of any judicial authority" shall include any judgment order decree sentence or order in council and the reasons report or recommendation therefor, and "judicial authority" shall include any court judge tribunal body or person having either secular or ecclesiastical jurisdiction whether before or after the date on which this Constitution takes effect, and without affecting the generality of any other provision of this Constitution it is hereby declared that "judicial authority" shall include the Court which was commonly called the High Court of Delegates, the King's Majesty in Council to which the powers of that Court were transferred, and the Judicial Committee of the Privy Council.
- (6) In the case of lay but not clerical persons words in this Constitution importing the masculine shall include the feminine.
- (7) This Constitution shall, unless the context or subject matter otherwise indicate, be construed as if the Acts Interpretation Act 1901-1948 of the Parliament of the Commonwealth of Australia applied to this Constitution.
- (8) Where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose by this Constitution or by any canon made under this Constitution, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event. Where the last day of any period prescribed or allowed for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public or bank holiday in the place in which the thing is to be done or may be done, the thing may be done on the first

day following, which is not a Saturday, a Sunday or a public or bank holiday in that place⁴⁴

- (9)⁴⁵ In this Constitution “discipline” means
- (a) in Chapters II to VII and X to XII the obligation to adhere to, to observe and to carry out (as appropriate):
 - (i) the faith, ritual and ceremonial of this Church; and
 - (ii) the other rules of this Church which impose on the members of the clergy obligations regarding the religious and moral life of this Church; and
 - (b) in Chapter IX, as regards a person in Holy Orders licensed by the bishop of a diocese or resident in a diocese both:
 - (i) the obligations in the ordinal undertaken by that person; and
 - (ii) the ordinances in force in that diocese.
- (10)⁴⁶ In this Constitution a reference to an Aboriginal person is a reference to a person of the Aboriginal race of Australia; and a reference to a Torres Strait Island person is a reference to a person who is a descendent of the indigenous inhabitants of the Torres Strait Islands.

75. This Constitution is divided into the following parts and chapters: -

PART I.

- Chapter I. - FUNDAMENTAL DECLARATIONS (Sections 1-3).
- Chapter II. - RULING PRINCIPLES (Sections 4-6).

PART II. - THE GOVERNMENT OF THE CHURCH

- Chapter III. - OF THE BISHOPS (Sections 7-14).
- Chapter IV. - OF THE GENERAL SYNOD (Sections 15-25).
- Chapter V. - OF THE POWERS OF GENERAL SYNOD (Sections 26-33).
- Chapter VI. - COMMITTEES, BOARDS AND COMMISSIONS (Sections 34-35).
- Chapter VII. - THE PROVINCES AND PROVINCIAL SYNODS (Sections 36-42).

⁴⁴ Added by Canon 2, 1998, which came into effect on 14 May 2001

⁴⁵ Added by Canon 18, 1998, which came into effect on 14 April 2003

⁴⁶ Added by Canon 16, 1998 which came into effect on 1 March 2000

Chapter VIII. - THE DIOCESES AND DIOCESAN SYNODS (Sections 43-52).

Chapter IX. - THE TRIBUNALS (Sections 53-63).

Chapter X. - THE CORPORATE TRUSTEES (Section 64).

Chapter XI. - THE ALTERATION OF THIS CONSTITUTION (Sections 65-67).

Chapter XII. - THE OPERATION OF THIS CONSTITUTION (Sections 68-75).

THE TABLE ANNEXED TO THE CONSTITUTION

CLERICAL AND LAY REPRESENTATIVES IN GENERAL SYNOD

1. The number of clerical and lay representatives respectively of each diocese shall be in proportion to the number of clergy⁴⁷ of the diocese and shall be determined by dividing that number by a quota, namely, twenty, and if on the division there is a remainder of ten or more the diocese shall be entitled to one more clerical and one more lay representative.
2. Notwithstanding any other provision in this table each diocese shall be entitled to at least one clerical and one lay representative.
- 3⁴⁸. In this Table 'clergy' means the number of persons in the Order of Bishop, Priest or Deacon ordinarily resident in the diocese who are:-
 - (a) incumbents, whether full or part time, stipendiary, part stipendiary or non-stipendiary;
 - (b) clergy engaged on a full time basis or substantially full time basis in providing services for or in connection with The Anglican Church of Australia or any part thereof and paid a stipend or other remuneration for such services who are not incumbents, whether attached to a parish or otherwise.

⁴⁷ Changed from "clergymen" by Canon 9, 1995 which came into effect on 1 May, 1997.

⁴⁸ Clause 3 amended by Canon 9, 1995 which came into effect on 1 May, 1997.

Chapter 8 **RULE I – STANDING ORDERS**

I. RULES FOR THE CONDUCT OF ALL BUSINESS coming before the GENERAL SYNOD of THE ANGLICAN CHURCH OF AUSTRALIA to be known as STANDING ORDERS

Meeting of Synod

1. The hour of meeting shall be 10.00 a.m. unless otherwise ordered.

Adjournment - if no Quorum

2. If at the expiration of half an hour from the time fixed for meeting there be not a quorum as prescribed by section 21 of the Constitution, the President shall adjourn the Synod to the next day of sitting; and if, at the expiration of half an hour from the time fixed for meeting upon that day, there be not a quorum, the President may either adjourn the Synod to the next day of sitting, or may in his discretion adjourn it *sine die*.

Prayers

3. The Synod shall be opened each day with prayers by the President.

Secretaries

4. There shall be one Clerical and one Lay Secretary for the Synod, who shall be elected immediately after the Address of the President shall have been delivered, on motion without notice, on the first day of each session of the Synod, and shall hold office until the election of their successors.¹

Duties of Secretaries

5. The secretaries shall prepare the business paper for each day of the session of the Synod, take minutes of the proceedings, and prepare and publish the report thereof. They shall also have charge of the record of all rules and regulations and canons passed by the Synod, and of all other documents appertaining to the business of the Synod, which shall be deposited for safe custody in the Registry of the Primate.

Representatives elected for two or more seats

6. Whenever any person has been elected as a representative for two or more dioceses, and has not previously made his choice, he shall, on taking his seat, and before taking part in any of the proceedings of the Synod, choose for

¹ Amended by Rule XXIII. (No. II of 1973).

which of such dioceses he will retain his seat, and the President shall declare the other seat or seats to be vacant.

Order of business for the first day of each session of the Synod

7. (a) After prayers, and before proceeding to the business of the day, (1) the roll of bishops, (2) the roll of clerical representatives summoned to the Synod, and (3) the roll of lay representatives summoned to the Synod shall be called.
- (b) The President shall deliver his address.
- (c) Motions for the election of:
- (1) A Clerical and Lay Secretary.
 - (2)² A Chair and one or more Deputy Chairs of Committees.
 - (3) A Committee of Elections and Qualifications.
 - (4) A Committee to arrange the Order of Business.
- (d) The President shall lay upon the table:
- (1) A list of special bills which he has declared to be canons under Sec. 28(3)(iii) of the Constitution since the last session of Synod and the dates on which they respectively came into force.
 - (2) A list of special bills which have not been assented to by every diocesan synod together with the reports and recommendations received from such synods.
 - (3) A list of canons which he has declared to be in force following upon a reference of any question to the Appellate Tribunal under Sec. 29 of the Constitution and the dates on which they respectively came into force.
 - (4) A list of canons in respect of which the Appellate Tribunal has found inconsistency or breach of Sec. 28(1) after reference thereto under Sec. 29 of the Constitution together with the relevant reports of the Appellate Tribunal thereon.
 - (5) A list of canons duly passed by Synod together with the date appointed by him upon which the said canons came into force under Sec. 30 of the Constitution.
 - (6) Notifications and advices from dioceses under Sec. 30(c) of the Constitution.

² Amended by Rule No. 01, 2007

- (7)³ A report prepared by the Secretaries of Synod of all proposals received from members under Standing Order 42A (a). This report as amended during the course of Synod is called the “amendment sheet”.
- (dd)⁴ Consideration of any report of the provisional Committee pursuant to Standing Order 11A(1)(b).
- (e) Petitions.
- (f) Notices of Questions.
- (g) Notices of Motions.
- (h) Election of a Chairman and other officers of (i) the House of Clergy and (ii) the House of Laity.
- (i) Reports, accounts, and motions connected therewith.
- (j) Motions by request of (i) the Standing Committee; (ii) the House of Bishops.
- (k) Notices of motion for the recommittal of provisional canons under sec. 28(3)(iii) of the Constitution.
- (l) Motions which shall have been received by the Standing Committee from members of the Synod at least one month before the session of Synod.

Notices before 7 p.m.

8. Notices of questions and of motions given by any member in writing before 7 p.m. on the first day of each session shall, after that hour, be deemed sufficient within the meaning of the 37th Standing Order in lieu of notice given on a previous day.

Order of business for the second and succeeding days of each session of the Synod

9. (a) After prayers, the minutes of the previous meeting shall be read and confirmed.
- (b) Questions.
- (c) Petitions.
- (d) Notices of questions.
- (e) Notices of motions, including any notice of motion for a declaration under Sec. 30 proviso (b) of the Constitution.

³ Paragraph d(7) added by Rule No.1, 2004

⁴ Paragraph (dd) added by Rule No. 2, 1995.

- (f) Reports.
- (g) Orders of the Day.
- (h) Motions according to order arranged by the committee appointed by Synod for that purpose.

Orders of the Day and Formal Motions

10. (a)⁵ Subject to paragraph (b), except on the first day of session:
- (1) at the morning and afternoon sittings, orders of the day and motions in respect of legislation take precedence over general business; and
 - (2) at the evening sitting, general business takes precedence over legislation;
- unless Synod otherwise orders, and in all other respects orders of the day take precedence over other matters.
- (b) Before the orders of the day or motions are proceeded with the President at each sitting shall call the motions on the business paper and any motion may be taken as a formal motion, unless objection be taken thereto by the word "Object" being called by a person other than the mover, and such motion on being declared formal shall be forthwith put without debate.

Committee of Elections and Qualifications

11. (a) The Committee of Elections and Qualifications shall inquire into and report upon all questions which shall be referred to them by the Synod respecting the validity of any election or return of any member, and also respecting the qualification or disqualification of any person who has been returned as a member of the Synod; and the Committee may sit if they think fit while the Synod is sitting.
- (b) The Committee when inquiring into the matters referred to them, may receive the best evidence they can procure or which is laid before them, whether it be such as would be admitted in cases at law or not and they may reject any evidence tendered to them which they may see fit to reject.
- (c) The Committee shall report the result of their inquiries to the Synod, and shall report whether they find that the election or return of the member whose case has been referred to them is valid, or whether he is qualified as the case may be; whereupon it shall be competent to move forthwith, without notice, or on any subsequent day, pursuant to notice, that the report be adopted.

⁵ Para. (a) replaced by Rule No. 2, 1992.

- (d) Upon the motion for the adoption of the report it shall be competent to substitute for it by way of amendment such resolution in respect to the matter referred to the Committee as to the Synod shall seem proper; provided that such resolution shall state distinctly that the election or return of the member is or is not valid, or that he is qualified or disqualified to be such member as the case may be: and if by such resolution or by the adoption of the report, it be determined by the Synod that the member has not been properly elected or returned or that he is not qualified to be a member, he shall not thenceforth sit (unless re-elected) as a member of Synod, and his seat shall be declared vacant, but if the contrary be determined he may forthwith take his seat.
- (e) No member of the Committee of Elections and Qualifications whose case has been directed to be referred to such Committee, and is still undecided, shall sit thereon until his case shall have been finally dealt with by the Synod.

Committee to arrange the order of business

- 11A.⁶ (1) Standing Committee of Synod shall, before each session of Synod, appoint a provisional Committee, comprising the Primate and such other persons as Standing Committee deems fit:
- (a) to arrange the order of business of the Synod for the first day of the Session, and for any subsequent day before the appointment of the committee referred to in Standing Order 7(c)(4), with a view to achieving the aims set out in Standing Order 11A(3); and
 - (b) to cause to be proposed to Synod any report pursuant to Order 11A(3)(aa) and such motions relating to the order of business for a day specified in paragraph (a) as, in its opinion, are desirable to achieve the said aims.
- (2)⁷ The Committee to arrange the order of business referred to in Standing Order 7(c)(4) shall arrange the order of business of the Synod for each day after its appointment with a view to achieving the aims set out in Standing Order 11A(3) and shall comprise the President, the Chairman of Committees, the Deputy Chairs of Committees, the Clerical Secretary, the Lay Secretary, the General Secretary and such other members, not exceeding 3, as the Synod, by resolution, appoints.
- (3) The aims of the Committee are:
- (a) to arrange the order of business of the Synod in such a way, subject to the Standing Orders and to any orders of the Synod, as will, in its opinion, best facilitate Synod's dealing with the business before it from day to day; and

⁶ Added by Rule No. 2, 1992, and amended by Rule No. 2, 1995.

⁷ Amended by Rule No. 01, 2007

- (aa)⁸ to seek to ensure that the Commissions of the Synod are afforded special opportunity to present issues of substance to the Synod and to report to the Synod on appropriate means of achieving this; and
- (b) to cause to be proposed to Synod such motions relating to the order of business as, in its opinion, are desirable to achieve the foregoing aims.

Select Committees

12. Every select committee shall consist of not less than five nor more than twenty-one members and the notice of motion appointing such Committee shall state the number of members it is proposed should serve on such Committee and contain the names of the members proposed to serve thereon. It shall be in the power of any member of the Synod to propose the name or names of any other member or members to serve on such Committee. If the nominations are not in excess of the number of persons required to be elected the President shall declare the persons nominated to be duly elected, but whenever they are in such excess all the names proposed shall form a select list out of which such Committee shall be elected by ballot, such ballot shall be taken on the next day of sitting between the hours of 4.30 p.m. and 9 p.m. or on such other day and at such other time as Synod may appoint.
13. Whenever such a ballot is taken, the persons who shall be reported by the scrutineers appointed by the President to have the largest number of votes shall be declared by the President to be duly elected. Any voting paper containing more names than the number of vacancies to be filled shall be informal. Provided that if two or more shall have received an equal number of votes, rendering the issue of the election doubtful, the President shall thereupon give a casting vote.
14. Notice of motion may be given for adding to or substituting members of any select committee which may have been appointed, and such notice shall specify the names of such members. Notice of motion may also be given for discharging a select committee.
15. In select committees, three shall form a quorum.
16. Every select committee shall before proceeding to business elect a chairman, who shall prepare and sign the report of the Committee. The chairman shall have a deliberative vote only.
17. It shall be the duty of a member naming a select committee or proposing to add or substitute members thereon, to obtain previously the assent of the members whom he proposes to serve on such Committee.
18. Select Committees, unless specially appointed to report to the Synod then sitting, shall have power to sit during the recess and report to the Synod in the following session or to the Standing Committee between sessions.

⁸ Added by Rule No. 2, 1995.

19. Motions for appointment of Select Committees who are to report at the same session of Synod, shall become Orders of the Day, and take precedence of all other business.
20. The mover of the motion for the appointment of a select committee, if a member thereof, shall fix the time for the first meeting of the Committee; if the mover be not a member the President shall fix the time.

Petitions

21. Petitions may be in writing or in typescript and must conclude with the prayer of the petitioners, and be duly signed.
22. Petitions shall not be received which, in the opinion of the President, are disrespectful or couched in offensive language, or which have been altered by erasure or interlineation.
23. A Member presenting a petition must make himself acquainted with its contents, and affix his name at the beginning thereof, and shall state from whom it comes, its material allegations and its prayer, and may require that it be read by one of the Secretaries, and the only question which shall be entertained by the Synod on its presentation shall be "That the petition be received."

Questions

24. (a) After the time for presenting petitions, questions may be put, upon notice, to the President relating to any motion or matter connected with the business of the Synod or any committee, board or commission of the synod or any committee, board or commission established by or under a canon or resolution of Synod.
(b) In putting any such question no statement of fact shall be made without leave of Synod and no argument or opinion shall be offered and no inference or imputation shall be made.
(c) A reply to a question shall be in writing and shall be recorded in the proceedings of Synod.
25. Every member shall stand while speaking and address the President.
26. The President may take part in debate without leaving the chair, and may vote on any question.
27. When the President rises in his place all other members shall be seated, and continue sitting until he resumes his seat.
28. All questions of order shall be decided by the President, and such decisions shall be final unless altered by a vote of the Synod forthwith. Any member may speak to a point of order.

29. The President shall confine each speaker to the subject matter of debate, and it shall not be in order for a member to interrupt a speaker except through the President. This Standing Order shall be applied to motions of adjournment.
30. (a) The President shall call to order any member who in his opinion is digressing from the subject matter of the question under discussion, or who shall make personal reflections on, or impute improper motives to, any member.
- (b) If any member shall persist in such irrelevant remarks, or shall, in the judgment of the President, be guilty of disorderly conduct, the President may call upon him to make apology, whereupon if he refuse, he shall withdraw, and the Synod shall take his conduct into consideration and may suspend or otherwise deal with him as the Synod thinks fit.
31. (a) At any time during the debate any member may without notice and without debate ask "Whether in the opinion of the President the question should now be put?" whereupon, or of his own act, the President may inform the Synod that in his opinion the question has been sufficiently discussed.
- (b) If after such expression of opinion by the President a motion be made "That the question be now put" the question on such motion shall then be put without further debate and if such motion be carried the President shall forthwith put the original question to the vote.
- Provided that, whenever it is decided that any question shall be put the mover of the original motion shall have a right of reply.
32. At any time during debate two members of any House may hand to the President (or Chairman if the Synod be in Committee) a written request that it be ascertained whether or not their House desires an opportunity to consider the matter in debate separately. The President or chairman as the case may be shall as soon as may be convenient call upon one of the signatories to move that the matter be considered separately by his House upon which motion only members of the House concerned shall vote. If the motion be carried the President or chairman shall thereupon adjourn the debate until after the chairman of the House concerned shall have notified him that it has concluded its separate consideration or until a time fixed by the President which shall in his opinion be sufficient to provide an opportunity for separate consideration by the House concerned whichever shall first occur and thereupon the House concerned shall fix a time and place for its separate meeting. If the motion be rejected the debate shall continue.

Adjournment of debate

33. When an adjournment of a debate shall take place, it may be resolved that at the next sitting the debate thus adjourned shall take precedence of all or any of the motions and orders of the day.

Length of speeches

34. (a) On any motion the mover shall not speak for more than fifteen minutes in support of the motion and the seconder shall not speak for more than ten minutes and any other member speaking to the motion and the mover speaking in reply shall not speak for more than five minutes.⁹
- (ab)¹⁰ The provisions of paragraph (a) shall not apply to the member representing a point of view different from that of the mover of a motion to which Standing Order 37B applies (a group discussion motion). In such a case the member shall not speak for more than 15 minutes.
- (b) Except when in Committee of the whole Synod no member shall be allowed to speak more than once on the same question, except in explanation. Provided that the mover of any motion, other than a Motion for an amendment or a motion that the question be now put or the previous question shall be allowed the right of reply, and after the reply the question shall be put forthwith.

Motion or amendment not seconded

35. Except in Committee no motion or amendment unless seconded shall be further discussed, nor shall any entry thereof be made in the minutes.

Motions - formally seconding

36. Any member formally seconding a motion shall not be thereby considered as having spoken to the question.

Motions - pursuant to Notice

37. Save as specially provided for in Standing Order No.8, no member shall bring any subject under consideration of the Synod or ask any question except in pursuance of a notice given in writing on a previous day.

Motions involving expenditure

- 37A.¹¹ A notice of motion that will, if passed, result in expenditure from the funds available to the General Synod shall not be included on the order of business for a day in a session unless it sets out, or is accompanied by a paper setting out:
- (a) the proposed source of funding; and
- (b) an itemised statement of expected income and expenditure that will result from the passing of the motion, being, if the expenditure will continue for more than one year, the expected income and expenditure per year.

⁹ Amended by Rule XXII (No. 1, 1969).

¹⁰ Added by Rule No.1, 2004

¹¹ Added by Rule No. 5, 1992.

Motions requiring group discussion

- 37B.¹² (a) Synod may, by a resolution, declare that a motion requires group discussion.
- (b) When such a motion (not being a bill for a Canon) has been moved and spoken to by the mover and formally seconded, then:
- (i) one member representing a point of view different from that of the mover, shall be invited by the President to speak;
 - (ii) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the motion, and any member may then ask any such question or questions which may immediately be answered by the mover or other previous speaker;
 - (iii) further questions may be asked and answered until the President announces the time for questions has finished;
 - (iv) the Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.

Motions - without Notice

38. A motion, however, may be made or a question may be asked without previous notice by leave of the majority of the members then present.

Motions - Lapsed

39. Motions shall be taken in the order in which they stand, and if not then made, unless postponed by leave of the Synod, shall be considered as having lapsed.

Motions - put by the President

40. When a motion has been made and seconded, a question thereupon shall be proposed by the President, and at any time before the close of the debate any member may move an amendment.

Amendments

- 41.¹³ No amendment (except of a grammatical or editorial nature) shall be put from the chair unless it be seconded and a copy thereof shall have been handed to the President and the Secretaries of Synod (unless the procedure set out in Standing Order 42A is followed).
- 42.¹⁴ (a) An amendment may be proposed by omitting certain words, omitting certain words in order to insert or add other words, or by inserting or adding words.

¹² Added by Rule 1, 2004

¹³ New wording substituted by Rule 1, 2004

¹⁴ Replaced by Rule No. 2, 1995.

- (b) The President shall put the question "That the amendment be agreed to", or such other question or questions as in his opinion will most conveniently determine whether the Synod agrees to the amendment.
 - (c) An amendment may be proposed to a proposed amendment as if such proposed amendment were an original question.
 - (d) An amendment proposed shall be disposed of before another amendment to the original question can be moved.
 - (e) When amendments have been made, the main question shall be put as amended.
- 42A.¹⁵
- (a) A member proposing an amendment should notify the General Secretary in writing (which may be by facsimile or email) prior to 5pm on the third business day prior to the commencement of the session of Synod.
 - (b) A member proposing an amendment after the commencement of the Synod must provide it in writing in duplicate and deliver it to a secretary of the Synod.
 - (c) Any proposed amendment (other than one given under paragraph 42A(a)) received by the secretaries prior to 7.30pm on the first or any subsequent day of sitting must be incorporated in the amendment sheet to be circulated on the next day of sitting.
 - (d) After considering a proposed amendment and conferring with the proposer, the mover of the relevant motion must, as soon as practicable, notify the secretaries whether the amendment is acceptable to the mover or whether it is not, and whether in the mover's opinion any consequential redrafting is required. Where appropriate, a fresh text should be made available to the secretaries together with an electronic copy of that text.
 - (e) After conferring with the mover, a member proposing an amendment who decides not to proceed with that amendment must, as soon as practicable, notify the secretaries of Synod of that fact.
 - (f) The secretaries must, in respect of any notification under this Standing Order received by them prior to 7.30pm on the first or any subsequent day of sitting, notate the amendment sheet to be circulated on the next day of sitting in respect of any proposed amendment with the words "accepted by the mover", "withdrawn", "to be replaced by ...", or otherwise as appropriate to inform members of Synod of the status of any proposed amendment.

¹⁵ Section added by Rule No.1, 2004

- (g) If the mover of a motion accepts any proposed amendment the mover may, with the leave of Synod, move the motion in that amended form incorporating any consequential amendments.
- (h) The provisions of this Standing Order are subject to an over-riding discretion in the President or the Chairman to put to the Synod or the Committee any other procedure which will best work for the efficient dispatch of the business of the Synod.
- (i) Nothing in this Standing Order 42A limits the operation of Standing Order 40.

Previous question

43. When it is desired to avoid or postpone a decision on any question, it shall be competent for any member to move the previous question.

When the previous question is moved it shall not stop debate which shall continue, but no amendment may be moved until the previous question has been disposed of by the Synod.

The previous question shall be put by the President - "That the motion be not put."

The previous question shall not be moved in Committee.

Question may be superseded

44. A Question may be superseded -
- (1) By the adjournment of the Synod on the motion of a member "That the Synod do now adjourn."
 - (2) By the previous question, viz., "That the motion be not put," being proposed and affirmed.

Motions - how resolved

45. Unless a vote by Houses is requested in accordance with section 15 of the Constitution a question shall be resolved by the majority of the voices "Aye" or "No", or by a show of hands, and the President shall state which side has the majority; but on demand being made by five members a division shall take place.

Vote by Houses

46. (a) A vote by Houses may be required on demand by not less than five members of the House of Bishops or by ten members of the House of Clergy or by ten members of the House of Laity.
- (b) In the event of a vote by Houses being required all questions shall be put by the President or Chairman or presiding member first to the

House of Laity and 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 Synod unless it be so resolved by a vote of the majority of those present in each of the three houses.

- (c) Any two members of the House of Bishops or any ten members of the House of Clergy or the House of Laity may demand a ballot in their house. Such ballot shall be conducted in that house in accordance with the requirements of Standing Order 46A.¹⁶

- 46A.¹⁷ (a) A question shall be decided by ballot if -
- (i) the President so determines; or
 - (ii) a majority of the Synod voting as a whole on a motion "That the question be decided by ballot" so decides.
- (b) A motion referred to in paragraph (a)(ii) may be moved without notice at any time prior to the question being put.
- (c) A ballot shall be conducted in the following manner:
- (i) A single piece of paper of one colour for members of the House of Laity, of a different colour for members of the House of Clergy and of a different colour for members of the House of Bishops shall be handed to each member of the Synod present by such person or persons or in such manner as the President shall direct;
 - (ii) No member who has received a ballot paper may leave the Synod until directed by the President;
 - (iii) When the President is satisfied that all ballot papers have been distributed, he shall direct that no member may enter the Synod until allowed by the President;
 - (iv) A member voting in favour of the motion shall write "Yes" on the paper and a member voting against the motion shall write "No" on the paper. A paper which contains neither "Yes" nor "No" shall be treated as informal and shall not be counted for or against;
 - (v) All ballot papers distributed shall be returned in such manner as the President shall direct, and when satisfied that all papers have been returned the President may direct that members may enter or leave the Synod;
 - (vi) The President shall appoint tellers who shall forthwith count the votes, if necessary in houses, for and against and any informal votes, and one of the tellers shall inform the

¹⁶ Amended by Rule No. 2, 1995.

¹⁷ Added by Rule No. 2, 1995.

President of the result which shall be announced by the President.

Motions - withdrawal of

47. Any motion may be withdrawn by the mover unless ten members object.

Motions previously dealt with, etc.

48. No subject which shall have been under the consideration of the Synod and disposed of, shall be again brought forward during the session.
49. No question shall be entertained which in the opinion of the President is substantially the same as one which has been resolved during the same session.

Count out

50. If at any time during the progress of business, on any member moving that the Synod be counted, there be not a quorum, the President shall adjourn the Synod until the next time of sitting.
51. A debate interrupted by such counting out shall at the next time of sitting be resumed at the point where it was interrupted.

Adjournment of Synod, or debate

52. A Motion for adjournment of either the Synod, or the debate, may be made at any time; provided that no member shall be interrupted thereby while speaking.

Motions - members to conclude with

53. When no question is before the Synod, no member shall be at liberty to speak unless he intends to conclude by making a motion; and any member desiring to submit a motion of which notice has not been given, shall, when called upon by the President, forthwith state what motion he intends to make.

Divisions

54. When a division is demanded whether Synod be voting together or by Houses, the President or the Chairman if the Synod be in Committee shall put the question, and, after the lapse of two minutes, shall direct the members then present to divide, the "Ayes" to the right, the "Noes" to the left of the chair, and shall appoint two tellers from each side, and shall declare the number of votes on each side from a count of the members voting to be given him by the tellers. The President or Chairman shall declare the question carried or lost as the case may be. Where the Synod is voting together a majority will carry the question unless a special majority is required by the Constitution.
55. Members may leave or enter the Synod during the two minutes which elapse before the division, but after the President commences to direct the members to divide, no member shall leave or enter the Synod until the division is

concluded; and after the appointment of tellers no member, except the tellers, shall change his place from one side of the chair to the other.

Standing Orders - Suspension of

56. Any Standing Order of the Synod may at any time be suspended on motion with notice. Any Standing Order may also be suspended on motion without notice, unless ten members object.

Committee of the whole - Quorum

57. In Committee of the whole Synod, the same number of members shall form a quorum as in the Synod itself.
58. If, during the progress of business in Committee, notice be taken that there is not a quorum, the Chairman shall leave the chair and report the same.
59. A Motion made in Committee need not be seconded.

Adjournment of Committee

60. A Motion of adjournment of Committee shall be "That the Chairman leave the chair, report progress, and ask leave to sit again." On such motion being carried the Chairman shall report to the Synod and ask leave accordingly.

Standing Orders to apply in Committee

- 61.¹⁸ The Standing Orders shall, so far as applicable, be observed in Committee, and the Chairman shall have the same authority as the President.

Absence of Chairman of Committees

- 62.¹⁹ In the case of absence of the Chair, or by arrangement between the Chair and a Deputy Chair, a Deputy Chair shall act. In the case of the absence, inability or unwillingness to act of all the Deputy Chairs, a member whom the Committee shall appoint shall act.

Bills to make Canons

- 63.²⁰ (1) In this Standing Order, unless the contrary intention appears:
- “Bill” means a bill for a canon and, in relation to a canon, means the bill for that canon;
- “Group Discussion Bill” means a bill which has been declared by the Synod under Standing Order 37B to require group discussion;²¹
- “Clause”, in relation to a bill, includes a Schedule to the bill;

¹⁸ Amended by Rule No.1, 2004

¹⁹ Replaced by Rule No.1, 2004 and further replaced by Rule No. 01, 2007

²⁰ Replaced by Rule No. 2, 1992, and further replaced by Rule No. 1, 1995.

²¹ Definition added by Rule No.1, 2004

“Committee” means the Committee of the whole Synod.

- (2) A canon of the Synod shall be made, subject to this Order, by:
 - (a) the Synod agreeing to a motion that the bill be approved in principle;
 - (b) the committee then considering the bill in detail and agreeing to it either with or without amendment; and
 - (c) the Synod agreeing to a motion that the bill do now pass.
- (3) A motion that a bill be approved in principle shall not be included in the agenda:
 - (a) unless the provisions of paragraph 27(1)(i) of the Constitution as to notice have been complied with or Synod has, in accordance with that paragraph, declared the bill to be a matter of urgency; and
 - (b) if Standing Order 37A applies to the motion, unless the financial information required by that Standing Order has been provided.
- (4) At the time of moving a motion that a bill be approved in principle the mover may seek the leave of the Synod to introduce the bill with amendments to the bill as circulated to each diocese. If such leave is given the bill as so introduced shall be the bill to be debated.
- (5)²² When a motion that a bill (other than a Group Discussion Bill) be approved in principle has been moved and spoken to by the mover and seconded, the President shall ask if any member or members wish to ask the mover or seconder any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such question which may thereupon be answered by the mover or seconder. Further such questions may be asked and answered until the President announces that the debate shall proceed.
- (5A)²³ When a motion that a Group Discussion Bill be approved in principle has been moved and spoken to by the mover and formally seconded, then:
 - (a) one member representing a point of view different from that of the mover shall be invited by the President to speak;
 - (b) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any

²² Amended by Rule No.1, 2004

²³ Section added by Rule No.1, 2004

- such question or questions which may immediately be answered by the mover or other previous speaker;
- (c) further questions may be asked and answered until the President announces that the time for questions has finished;
 - (d) The Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.
- (6)²⁴ A person who has asked or answered a question during the period referred to in paragraph (5) or paragraph (5A) shall not, for the purpose of the ensuing debate, be deemed to have spoken on the motion by virtue only of having asked or answered such question.
- (7) After the President shall have announced that the debate shall proceed, the general principle of the bill shall be debated.
- (8) If the motion that the bill be approved in principle be decided in the negative the bill shall lapse.
- (9) When the Synod has agreed to a motion that a bill be approved in principle, the President shall ask if any member wishes to debate the bill in Committee.
- (10) If any member shall answer “Yes” then the Synod shall, without motion being moved, forthwith be deemed to have resolved itself into Committee to consider the bill in detail, unless the Synod resolves that consideration of the bill by the Committee be an order of the day for another time.
- (11) If no member shall answer “Yes”, the motion that the bill do now pass may be moved forthwith without notice or may be made an order of the day for another time.
- (12) If a bill is considered in Committee, the Chairman may allow the bill to be considered:
- (a) as a whole;
 - (b) clause by clause;
 - (c) by groups of clauses or by groups of clauses and single clauses; or
 - (d) in a manner which, in his opinion, the Chairman considers will best facilitate consideration of the amendments of the bill that are to be proposed.

²⁴ Amended by Rule No.1, 2004

- (13) In Committee if the bill is not taken as a whole:
- (a) the title and preamble (if any) are postponed until after the clauses have been agreed to; and
 - (b) the question shall be put by the Chairman in respect of each clause or each group of clauses, as the case requires, that it be agreed to; and
 - (c) when the clauses have all been agreed to either with or without amendment, the question shall be put, first in respect of the preamble (if any) then in respect of the title, that it be agreed to.
- (14) Upon the Committee completing its consideration of a bill:
- (a) the Synod shall be deemed to be reconvened and the Chairman shall report to the President the bill as agreed by the Committee;
 - (b) the President shall, without a motion being moved, put to the Synod the question 'that the report be agreed to': which question shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- (15) When the question that the report of the Chairman be agreed to has been put to and passed by Synod, the motion that the bill do now pass may be moved forthwith without notice or made an order of the day for another time.
- (16)²⁵ When a bill has been considered in Committee, a motion that the bill do now pass shall not be moved unless and until the Chairman has, by certificate endorsed on a copy of the bill, certified that the copy is a true copy of the bill as agreed to by the Committee, unless the President determines otherwise. The President may only determine otherwise if there have been no amendments to the bill, or if all amendments in committee are of a grammatical or editorial nature.
- (17) A motion that a bill do now pass shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- (18) If a bill, or a clause of a bill, is recommitted to the Committee:
- (a) the Synod shall, without a motion being moved, forthwith be deemed to have resolved itself into Committee to consider the proposed amendment;
 - (b) the procedure in Committee shall, as nearly as practicable, be the same as the procedure following the passing of the motion

²⁵ Amended by Rule 1, 2001 and further amended by Rule 1, 2004

that the bill be approved in principle except that the Committee shall consider only amendments relating to the purpose of its recommittal; and

- (c) the procedure following completion of the consideration of the bill in Committee shall, as nearly as practicable, be the same as that following completion of consideration of the bill in Committee in the first instance.
- (19) If the motion that the bill do now pass is agreed to, then:
- (a) if the bill was not considered in Committee, the bill as introduced shall be a Canon duly passed; and
 - (b) if the bill was considered in Committee the bill as certified by the Chairman shall be a Canon duly passed.

Thereupon, or at some later time, the President may appoint when the canon shall come into force in accordance with the requirements of section 30 of the Constitution.

- (20) The clerical secretary and the lay secretary shall certify on a copy of the canon that it is a copy of the canon as passed and the date of its passing.
- (21) A motion making the consideration of a bill an order of the day may be moved without notice.
- (22) A motion that a bill be approved in principle may be moved by the member of Synod who gave the notice or, by leave of Synod, any other member.
- (23) Amendments of a grammatical or editorial nature, or to alter the numbering of sections, subsections and paragraphs or subparagraphs or cross-references in consequence of an amendment made to a bill, may be made, and clerical or typographical errors may be corrected in any part of a bill by the Chairman of Committees or, in the case of a bill which has not been considered in Committee, by the clerical secretary and the lay secretary without any motion being agreed to.

63A.& 63B.²⁶

Special Bills

- 64.²⁷ (1) A bill that is a special bill under subsection 28(1) of the Constitution, or is to be dealt with as a special bill under subsection 28(2) of the Constitution, shall be considered as provided in Standing Order 63 subject to the qualifications set out in subsection 28(c) of the Constitution and in this Standing Order.

²⁶ 63A & 63B deleted by Rule No. 1, 1995.

²⁷ Replaced by Rule No. 1, 1995.

- (2) A motion that a bill need not proceed as a special bill may be moved without notice and shall be put immediately before or after the motion that the bill do now pass is moved.
- (3) A petition under subsection 28(2) of the Constitution in respect of a bill must be presented to the President before the motion that the bill do now pass is moved and the President shall put the motion that the bill be treated as a special bill immediately before the motion that the bill do now pass is moved.
- (4) Where the reports and recommendations received from diocesan synods in respect of a provisional canon have been presented to the Synod:
 - (a) copies of the provisional canon shall be circulated to members;
 - (b) any member may give notice of a motion that the provisional canon be approved in principle; and
 - (c) the provisions of Standing Order 63 (other than Standing Order 63(3)) and the preceding provisions of this Standing Order apply as if the provisional canon were a bill for a canon.

Alterations of the Constitution

- 65.²⁸
- (1) A bill for a canon to alter the Constitution shall be made, subject to this Order, by
 - (a) the Synod agreeing to a motion that the bill be approved in principle;
 - (b) the Committee considering the bill in detail and agreeing to it either with or without amendment;
 - (c) the Synod agreeing to a motion that the bill do now pass; and
 - (d) the relevant conditions of section 67 of the Constitution being complied with in respect of the bill.
 - (2) The provisions of Standing Orders 63(1) and (3) to (23), inclusive, apply to a bill for a canon to alter the Constitution in like manner as they apply to a bill for any other canon.
 - (3) If section 67 requires a bill for a canon to amend the constitution to be passed by a majority of dioceses, assents being determined by the votes of the representatives of the dioceses:

²⁸ Previous Standing Order 65 renumbered 67, and new Standing Order 65 made, by Rule No. 1, 1995.

- (a) the votes on a relevant motion shall be cast in writing indicating whether members vote for or against the motion or abstain from voting;
- (b) the votes shall be counted by scrutineers appointed by the President;
- (c) the scrutineers shall inform the President of the results of the voting; and
- (d) upon a vote being taken, further consideration of the bill stands adjourned, without motion being moved, until called on by the President as soon as practicable after he has been informed of the result of the vote.

Rules

- 66.²⁹ (1) A rule shall be made by resolution.
- (2) The proposed rule shall be circulated to each diocese at least two months before the first day of the session of Synod at which the resolution is to be presented provided that the Standing Committee may allow a shorter period of notice and provided further that Synod by an affirmative vote of three-fourths of the members present may declare any resolution to be a matter of urgency and permit it to be included in the agenda without further notice.
- (3) The provisions of Standing Order 63 (other than Standing Orders 63(3), (19) and (20)) apply to a proposed rule as if any reference therein to a bill were a reference to a proposed rule.
- (4) If the motion that the proposed rule do now pass is agreed to, then
- (a) if the proposed rule was not considered in Committee, the proposed rule as introduced shall be a rule; and
 - (b) if the proposed rule was considered in Committee, the proposed rule as certified by the Chairman shall be a rule.

Parliamentary Practice

- 67.³⁰ In all cases not herein provided for, resort shall be had to the rules, forms and practice of the House of Representatives of the Parliament of the Commonwealth of Australia, so far as they can be applied.
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²⁹ Added by Rule No. 1, 1995

³⁰ Previously numbered 65 - renumbered by Rule No. 1, 1995.

Chapter 9 RULE III – RULES FOR THE CONDUCT OF ELECTIONS

III. RULES FOR THE CONDUCT OF ELECTIONS ORDERED TO BE MADE BY THE GENERAL SYNOD

Interpretations

1. In these rules

"Candidate" means any person duly nominated for election to any office under rules, regulations and canons of the Synod.

"Secretaries of Synod" means the persons holding such office for the time being under Standing Order 7(c) of the Synod, and includes any person or persons appointed by the President to act for the said secretaries.

"Voter" means any member of Synod exercising his right to vote in any election by the whole Synod or by any portion thereof.

Elections governed by these rules

2. Where it has been or shall hereafter be determined by any canon or resolution of Synod that an election of any person or persons to any office shall be made by Synod or by any house or by any portion of such Synod the election shall unless otherwise provided by such canon or resolution be conducted as hereinafter provided.

Nevertheless in the case of any election required under Standing Orders 7(c), 12, 13, 14, the Synod may by resolution determine the procedure for such election.

Time of elections

- 3.1 The Primate in his summons convening the Synod or otherwise shall specify the elections to be made in the session of the Synod so convened, and shall appoint a day not earlier than the third day of the session for the holding of the said elections, and shall name the place of election, and the time (not being less than four hours) within which any such election shall take place, and the said election shall take place upon the day and at the place and within the time so appointed, provided that Synod may by resolution name some different time, being not less than four hours, within which any such election shall take place.

¹ Amended by Rule XXV (No. 1, 1977).

Synod may declare election emergent

4. Where, after the issue of the Primate's summons convening Synod, necessity for any election has arisen, or if any notice of election should have been omitted from such summons, it shall be competent for the Synod at any time during the session by resolution to declare any such election to be an "emergent" election, and the President shall thereupon appoint a time and a place for receiving nominations for such emergent election, and also a time for the holding of such election.

In all other respects such emergent election shall be conducted as far as practicable in conformity with the provisions of these rules.

5. (a) Any two members of Synod may nominate in writing any person or persons duly qualified for election to any office (but not exceeding the number of persons required to be elected to such office), and the consent of every person so nominated shall be endorsed thereon or if an endorsement cannot reasonably be obtained certified in writing by one of the nominators. Provided that where elections to an office are to be made by the members of any house or portion of Synod nominations as aforesaid shall be made only by members of that house or portion.
- (b) Every nomination shall be delivered to the secretaries of Synod or to the secretary of the house or portion as the case may be, or to such other person or persons as the President may from time to time appoint, before the hour of nine o'clock in the evening of the second day of the session unless the Synod otherwise resolves, and no nomination shall be valid unless this procedure shall have been complied with.

Names to be exhibited

6. (a) When nominations shall have closed, the Secretaries of Synod shall cause to be prepared lists of all persons so nominated, and the offices to which they are nominated, and shall cause such lists to be exhibited conspicuously in the Synod Hall up till and during the time of election.
- (b) Any person so nominated may, by notice in writing, addressed to the Secretaries, withdraw his consent to his nomination at any time prior to the exhibition of the lists as aforesaid, and thereupon his nomination shall be withdrawn and his name omitted from the list of persons nominated.

Election without ballot

7. Where the number of persons nominated for any office does not exceed or is less than the number of persons required to be elected, the President shall declare the persons so nominated duly elected, and any additional number of persons still required to be elected shall be elected in the manner hereinafter provided.

Ballot papers

8. Where the number of persons nominated for any election exceeds the number required to be elected, the Secretaries shall cause ballot papers to be printed or otherwise prepared in the form or to the effect of the schedule hereto.

Appointment of scrutineers

9. Where any ballot for any election becomes necessary, the President shall appoint two or more scrutineers for each election whose duty shall be to count the votes recorded at any such ballot, and to report in writing the result to the President as hereinafter provided.

Rules for voting

10.
 - (a) The voter shall mark a cross opposite the name of each candidate appearing on the ballot paper for whom he desires to vote.
 - (b) Each voter shall vote for not more than the number of candidates required to be elected.

Invalid ballot papers

11. The Scrutineers shall reject as informal ballot papers:
 - (a) not initialled by the Secretaries or their deputies, or
 - (b) recording votes for a greater number of candidates than the number required to be elected; or
 - (c) not marked in accordance with the provisions of these rules.

Method of taking ballot

12. On the day and at the place appointed for the holding of any election, every member of Synod present at the session of the Synod, and being entitled to vote at any particular election, may on personal application to the Secretaries or their deputies receive a ballot paper for such election, and the Secretaries or their deputies shall before issuing any such ballot paper, initial the same, and shall keep a record of every person to whom any such ballot paper has been issued, and every such person shall thereupon be deemed to have voted, and shall not be entitled to receive any other ballot paper in respect of any such election unless and until the ballot paper already issued to him shall have been returned to the Secretaries or their deputies, in a spoilt condition in which case the Secretaries or their deputies shall destroy the ballot paper first issued to such person, and shall thereupon deliver to him a fresh ballot paper in its stead.

Recording votes

13. Every voter having received any ballot paper as aforesaid shall mark his vote on such ballot paper in the manner hereinbefore provided without leaving the room set apart for the election and shall forthwith deposit the same in a ballot-box provided for the purpose by the Secretaries, and shall thereupon retire from the said room.

Scrutineers' report

14. At the close of any ballot the scrutineers shall proceed to count the votes recorded for each candidate, and shall with the least possible delay, report the result of such ballot to the President, in the manner hereinafter provided.

List to be prepared

15. In reporting the result of any ballot the scrutineers shall, in all cases, prepare and certify a list containing the names of the candidates and the number of votes recorded for every candidate.

Equality of votes

16. Where at any election two or more candidates have received an equal number of votes the scrutineers shall report the result to the President, who shall thereupon give his casting vote.

Announcement of result

17. As soon as practicable after receipt of the report of the result of any ballot, the President shall announce the names of the elected candidates to the Synod, and shall thereupon cause to be delivered to the Secretaries such report, together with the list hereinbefore mentioned and the Secretaries shall file and keep such list in the records of the Synod.

Custody and disposal of ballot papers

18. (a) After every election, the Scrutineers shall deliver to the Secretaries all ballot papers used at any election (including all those ballot papers which have been rejected), and the Secretaries shall as soon as practicable place in separate sealed packets all such ballot papers, and shall safely keep the same in their custody until required by "The Committee of Elections and Qualifications", or until they are destroyed as hereinafter provided.

(b) If the ballot papers be not applied for or required by "The Committee of Elections and Qualifications" within fourteen days following the day of the holding of any election, the Secretaries shall then forthwith cause all

packets containing all used and rejected ballot papers to be destroyed by fire, without the said packets being unsealed.

Continuance in office until election of successors

19. Where any election directed by any canon or resolution of the Synod to be held has not been so held the persons who at the time being are holding such office shall continue to hold the same until their successors shall have been appointed.

Certain vacancies to be filled by the Standing Committee

20. Where the number of persons declared by the President duly elected to any office under rule 7 hereof is less than the number required for such office or where the election of any person is reported under the next succeeding rule as invalid any vacancy or vacancies remaining shall be filled by the Standing Committee at its first meeting following the session of Synod at which such declaration of election or report of validity of election was made.

Validity of elections

21. All matters affecting the validity of any election held or of any vote taken under these rules shall be referred to "The Committee of Elections and Qualifications" appointed under Standing Order No. 7. The committee shall report thereon to Synod if it is in session and if not to the Standing Committee.

Provided that no question as to the validity of any election or of any vote taken shall be raised unless so raised within seven days of the holding of such election or of the declaration of the result thereof.

SCHEDULE

Election for
..... Bishops to be elected.
..... Clerks in Holy Orders to be elected.
..... Laymen to be elected.

Instructions to voters

The voter:

- (a) is to mark a cross against the name of each candidate for whom he desires to vote, and
- (b) Must vote for not more than the number of candidates required to be elected.

List of candidates

Mark cross here	Names printed in alphabetical order of Surname
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