PART 1

THE CONSTITUTION

OF THE

ANGLICAN CHURCH OF AUSTRALIA

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.

   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.

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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 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.

[3]A Primate who is not also a metropolitan has the same title as a metropolitan. The title shall confer no rights, powers or jurisdiction.

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.[4] 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.

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.

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3 Added by Canon 6, 1989 and Bill 3, 1989 which came into effect on 29 January 2027.

4 Amended by Canon 16, 1998 which came into effect on 1 March 2000.

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.[5]

16.[6] 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.[7] (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 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.[8]

(5) Every bishop priest or deacon[9] 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

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

6 Amended by Canon 16, 1998 which came into effect on 1 March 2000.

7 "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 on 1 March 2000.

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

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

of residence in the diocese shall not be necessary in the case of[10] 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 eighteen[11] 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)[12] (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

(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

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

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

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

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.[13]

(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 preside, temporarily, at the meeting, whether or not the President is present at the meeting.[14]

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.

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

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

SESSIONS

23.[15] 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.

(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.

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

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.[16] (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,[17] and

(ii) a special bill shall follow the procedure prescribed in section 28.

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16 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.

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

(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.[18] (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 -

(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.

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18 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.

28A[19] (1) In this section "**bill**" does not include a bill for a canon to alter this Constitution or a bill which deals with or concerns the ritual ceremonial or discipline of this Church.

(2) Subject to subsection (3) in addition to the procedure in section 27 (1), a canon may be made by a bill sent by the Standing Committee to each diocesan synod and if at least 3/4 of the diocesan synods of this Church including all Metropolitan Sees assent to it by ordinance and if all such assents be in force at the same time, the General Secretary shall certify that fact to the Primate in writing, and on that date the canon shall come into force.

(3) A bill for a canon which would impose a financial liability on a diocese may be made in the manner provided by subsection (2) only if all diocesan synods of this Church assent to it by ordinance and such assents are in force at the same time.

(4) A diocesan synod of a diocese may, by ordinance:

(a) delegate its power to assent to a bill under subsection (2) and (3) to the diocesan council of the diocese, and

(b) permit the diocesan council to assent to the bill in exercise of such delegated authority by ordinance or resolution.

(5) An assent to a bill given by a diocesan council by ordinance or resolution pursuant to a delegated authority given under subsection (4) shall be as effectual as if the synod of the diocese had assented to the bill by ordinance.

29.[20] (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

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19 Inserted by Canon 12, 2010 which came into effect on 1 July 2014.

20 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 sections 28A and 29[21] 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.

[21] Inserted by Canon 12, 2010 which came into effect on 1 July 2014.

(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.[22]

31.[23] Repealed.

32.[24] (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;

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22 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.

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

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

(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 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).[25]

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.[26]

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.

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

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

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 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)[27] 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.

(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

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

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.[28] 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.

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

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.

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) [29] A diocesan tribunal shall be the court of the bishop and shall consist of a president appointed by the bishop and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

The bishop is ineligible to be a member of the diocesan tribunal. A person who is a member of the diocesan tribunal shall cease to hold that office on becoming the bishop.

The president shall be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of section 57 (1) of this Constitution and will cease to hold office as prescribed by ordinance of the synod of the diocese. The members other than the president shall be elected in such manner, hold office for such period, have such qualifications and be

[29] Amended by Canon 4, 2014 which came into effect on 1 July 2019.

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)[30] 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.

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30 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.

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 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) [31] A provincial tribunal shall consist of a president who shall be appointed by the metropolitan and not less than two other members as may be prescribed by ordinance of the synod of the province.

The metropolitan and any other bishop of the province is ineligible to be a member of the provincial tribunal. A person who is a member of the provincial tribunal shall cease to hold that office on becoming the metropolitan or other bishop of a diocese of the province.

The president shall be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of s.57(1) of this Constitution and will cease to hold office as prescribed by ordinance of the synod of the province. The members other than the 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.

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31 Amended by Canon 5, 2014 which came into effect on 1 July 2019.

(4) An appeal shall lie to the Appellate Tribunal from a determination of a provincial tribunal in its original jurisdiction.

56.[32] (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.

(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)[33] 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 Primate

of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon; and

(c) any former member of the House of Bishops and any former bishop assistant to the Primate in the Primate's capacity as Primate of such offences as may be specified by canon in respect of conduct while a member of the House of Bishops or assistant to the Primate.

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

33 Amended by Canon 6, 2017 which came into effect on 1 November 2019.

(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.[34]

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 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.[35]

(1A)[36]Despite s 57(1), the General Synod may by canon provide for –

(a) a member of the tribunal whose office is to be vacated, but who is participating in the disposition of an appeal, question or matter made or referred to the tribunal where that appeal, questions or matter will not be disposed of before the date on which the member's office is to be vacated, continuing as a member of the tribunal for the purposes only of participating in and concluding that appeal, question or matter even though the office of that member will for all other purposes be vacated on that date;

(b) the appointment of a qualified person to take the place of a member who is unable to participate in the disposition of an appeal, question or matter (whether because that member's office is vacant, or the member is disqualified or for some other reason) for the purposes only of participating in the disposition of that appeal, question or matter; and

(c) a person referred to in paragraph (b) who is participating in the disposition of an appeal, question or matter made or referred to the tribunal continuing to participate in the disposition of that appeal, question or matter until it is concluded.

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

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

36 Added by Canon 2, 2017 which came into effect on 1 December 2019.

(1B)[37] A person participating in the disposition of an appeal, question or matter by virtue of a canon of the General Synod made under sub-section (1A) is not a member of the tribunal for the purposes of the first sentence in sub-section (1).

(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.[38]

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 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.

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37 Added by Canon 2, 2017 which came into effect on 1 December 2019.

38 Amended by Canon 2, 2017 which came into effect on 1 December 2019.

(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)[39] Subject to sub-section (1A), 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.

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[39] S.60 (1) amended by Canon 14, 2001 which came into effect on 16 June 2003; and Amended by Canon 8, 2022 which came into effect on 10 March 2025.

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.

(1A)[40] Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.

(1B)[41] For the purposes only of sub-section (1A), "**sexual offence relating to a child**" means-

(a) sexual activity by a persona against, with or in the presence of a child, or

(b) the possession, production or distribution of any form of child pornography.

(2)[42] The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, other than a sentence of deposition from orders recommended under sub-section (1A), 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

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40 Added by Canon 8, 2022 which came into effect on 10 March 2025.

41 Added by Canon 8, 2022 which came into effect on 10 March 2025.

42 Amended by Canon 8, 2022 which came into effect on 10 March 2025.

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

(4)[43] Subject to sub-section (1A), 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.

61.[44] (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);

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43 Amended by Canon 8, 2022 which came into effect on 10 March 2025.

44 S.61 extensively amended by Canon 13, 2001 and further amended by Canon 14, 2001 both of which 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.

61A.[45](1) Subject to sub-section (2), 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.

(2) Where a charge which involves a sexual offence relating to a child has been promoted in the Special Tribunal against a person referred to in section 56(6), the President of the Special Tribunal must suspend the person from the duties of office until the determination of the charge.

(3) If a person is suspended under sub-section (1) or (2) and that suspension 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.[46] (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.

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45 S.61A inserted by Canon 14, 2001 which came into effect on 16 June 2003; and Amended by Canon 7, 2022 which came into effect on 10 March 2025.

46 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.

(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.

(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"[47] 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 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.

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47 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.

67.[48] (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 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

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48 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.

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)[49] 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 on the General Synod website.

(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.

[49] Amended by Canon 2, 2026

(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)[50] 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.

"**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' orders.[51]

"**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.

"Child" means a person under the age of 18.[52]

"**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 bis**hop" means the bishop of a diocese.

"**Diocesan council**" in a diocese where there is a synod means -

(a) the body exercising powers and functions of the synod on its behalf when it is not in session, or

(b) where there is no such body, the body constituted or determined by the relevant synod to be the diocesan council. [53]

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

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

52 Definition inserted by Canon 7, 2022 and Canon 8, 2022 which came into effect on 10 March 2025.

53 Definition inserted by Canon 1, 2010 which came into effect on 1 March 2016.

* * * [54]

"**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 division.[55]

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

"**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.[56]

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

* * * [57]

"**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.[58]

"**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.[59]

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

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

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

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

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

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

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

"**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.

[60]**"Sexual offence relating to a child** means –

(a) sexual activity by a person against, with or in the presence of a child, or

(b) the possession, production or distribution by a person of any form of child pornography-

in respect of which-

(c) the person has been convicted under the laws of the Commonwealth, State or Territory; or

(d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or

(e) the person has been convicted in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or

(f) the person has not been tried by a court of competent jurisdiction and which if proved-

(i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and

(ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory.

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

"**This Church**" means the Anglican Church of Australia.[61]

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

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60 Definition inserted by Canon 7, 2022 which came into effect on 10 March 2025.

61 See footnote 1.

"**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 place.[62]

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

(9)[63] 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)[64] 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).

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).

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

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

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 clergy[65] 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.

3.[66] 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.

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

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

NOTES ON THE CONSTITUTION

1. The Constitution of the Church of England in Australia was approved by the General Synod of the Church of England in Australia and Tasmania on 6 October 1955, and revised by the Continuation Committee appointed at the time, which was authorised to make such corrections of a non-contentious character as might seem to it necessary or desirable. The Chairman of Committees signed the final form of the text on 7 February 1956. This text was submitted to the dioceses for their assent, and it also formed the schedule to the New South Wales Act No. 16, 1961. The Constitution came into effect pursuant to section 68 on 1 January 1962.

2. The text printed here follows the official N.S.W. version, with very minor style changes such as the standardisation of upper and lower case.

3. The alteration of the name of the Church from *The Church of England in Australia* to *The Anglican Church of Australia* came into effect on 24 August 1981.

4. Appendix 1 immediately following lists the alterations to the Constitution which had come into effect as at 1 September 2026. These alterations are incorporated in the text of the Constitution. Footnotes to the text draw attention to these alterations.

5. Canons and Bills for the alteration of the Constitution which have not come into effect are listed in Appendix 2 immediately following Appendix 1. The text of those Canons and Bills is set out immediately following Appendix 2.

6. In 1981 the General Synod passed two Bills to alter the Constitution. These Bills required the assent of at least three-fourths of the diocesan synods including the synods of all the metropolitan sees in order to come into effect. When they were considered by the diocesan synods, some synods acted on legal advice that the Constitution could be altered only by Canons and not by Bills. Other diocesan synods acted on advice that Bills were the proper way to alter the Constitution. To ensure that alterations made at the 1985, 1987 and 1989 sessions of General Synod would not be rejected by diocesan synods on the same grounds, General Synod legislated for changes to the Constitution by passing both a Canon and a Bill, each making the same changes.

7. Alterations to the Constitution passed by General Synod in 1987 came into effect on 1 July 1992, prior to the 1992 session of the General Synod. One effect of these alterations was to make it clear that alterations to the Constitution would in future be made by Canon.

8. One of the Bills passed in 1981 [Bill 2, 1981] was further dealt with in Canon 1, 1987 and Bill 1, 1987, which came into effect on 1 July 1992. Sec. 2 of the Canon and of the Bill of 1987 provide together a method for Bill 2, 1981 to be brought into effect without a matching Canon.

APPENDIX 1 TO NOTES ON THE CONSTITUTION

LIST OF ALTERATIONS TO THE CONSTITUTION WHICH HAVE COME INTO EFFECT

In date order of when they came into effect.

No.	Title	Date came into effect	Sections affected
Canon 16, 1966	The Anglican Church of Australia Canon 1966	24 August 1981	1, 64, 74
Canon 12, 1985	Constitution Alteration (Definition of 'Member') Canon 1985	1 July 1988	74
Canon 22, 1985	Constitution Alteration (Deacons and the Houses of Synod) Canon 1985	1 July 1988	17, 30
Bill 1, 1985	Constitution Alteration (Definition of 'Member') Bill 1985	1 July 1988	74
Bill 2, 1985	Constitution Alteration (Deacons and the Houses of Synod) Bill 1985	1 July 1988	17
Canon 2, 1989	Constitution Alteration (Financial Provisions) Canon 1989	23 August 1989	32, 34
Bill 1, 1989	Constitution Alteration (Financial Provisions) Bill 1989	23 August 1989	32, 34
Canon 8, 1989	Constitution Alteration (Chairing of Meetings) Canon 1989	24 August 1989	20
Bill 4, 1989	Constitution Alteration (Chairing of Meetings) Bill 1989	24 August 1989	20
Canon 1, 1987	Constitution Alteration Canon 1987	1 July 1992	28, 29, 30, 31, 67
Bill 1, 1987	Constitution Alteration Bill 1987	1 July 1992	28, 29, 30, 31, 67
Canon 5, 1989	Constitution Alteration (Making of Canons) Canon 1989	5 June 1995	27, 28, 67
Bill 2, 1989	Constitution Alteration (Making of Canons) Bill 1989	5 June 1995	27, 28, 67
Canon 9, 1989	Constitution Alteration (Canonical Fitness) Canon 1989	5 June 1995	74

No.	Title	Date came into effect	Sections affected
Bill 5, 1989	Constitution Alteration (Canonical Fitness) Bill 1989	5 June 1995	74
Canon 13, 1992	Constitution Alteration (Sections 17 and 23) Canon 1992	25 June 1995	17, 23
Canon 14, 1992	Constitution Alteration (Miscellaneous Sections) Canon 1992	25 June 1995 [Schedules 1 & 2] 31 July, 1995 [Schedule 3]	17, 57, 74 17, 44, 49, 74
Canon 9, 1995	Constitution Amendment (Table Annexed) Canon 1995	1 May, 1997	74, Table Annexed
Canon 17, 1995	Constitution Amendment (Rights of Non-Members of General Synod) Canon 1995	17 September, 1997	15
Canon 6, 1998	Constitution Alteration (Committees Appointment) Canon 1998	1 March, 1998	35
Canon 16, 1998	Constitution Alteration (Composition of General Synod) Canon 1998	1 March 2000	11, 16, 17, 19, 27, 74
Canon 2, 1998	Revised Constitution Amendment (Interpretation) Canon 1998	14 May 2001	74 [repeals Canon 15, 1995]
Canon 18, 1998	Constitution Alteration (Discipline Clarification) Canon 1998	16 April 2003	74
Canon 10, 1998	Constitution Alteration (Tribunals) Canon 1998	16 June 2003	54, 62
Canon 8, 2001	Constitution Alteration (Tribunals) Amendment Canon 2001	16 June 2003	54 [amends Canon 10, 1998]
Canon 13, 2001	Constitution Alteration (Suspension From Duties) Canon 2001	16 June 2003	61 [repeals Canon 9, 1998]
Canon 14, 2001	Constitution Alteration (Special Tribunal) Canon 2001	16 June 2003	56, 60, 61
Canon 12, 2010	Constitution Amendment (Chapter V) Canon 2010	1 July 2014	28A, 30
Canon 1, 2010	Constitution Amendment (Diocesan Council) Canon 2010	1 March 2016	74(1)

No.	Title	Date came into effect	Sections affected
Canon 4, 2014	Constitution Amendment (Memberships of the Diocesan Tribunal) Canon 2014	1 July 2019	54(1)
Canon 5, 2014	Constitution Amendment (Membership of the Provincial Tribunal) Canon 2014	1 July 2019	55(1)
Canon 6, 2017	Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017	1 November 2019	56(6)
Canon 2, 2017	Constitution (Appellate Tribunal) Amendment Canon 2017	1 December 2019	57(1), 57(2) [repeals Canon 3, 2010]
Canon 2, 2022	Constitution (Repeal of Canon No 9 of 2010) Canon 2022	9 May 2022	**Repeals** Canon 9, 2010
Canon 7, 2022	Constitution Amendment (Mandatory Suspension) Canon 2022	10 March 2025	61A, 74 [amends Canon 13, 2007] [amends Canon 15, 2007] [amends Canon 5, 2017] [repeals Canon 18, 2007]
Canon 8, 2022	Constitution Amendment (Mandatory Deposition) Canon 2022	10 March 2025	60, 74 [amends Canon 5, 2017] [amends Canon 15, 2007]
Canon 2, 2026	Constitution Amendment (Publication of Constitutional Amendments) Canon 2026	10 August 2026	67(2)
Canon 6, 1989	Constitution Alteration (Title of the Primate) Canon 1989	29 January 2027	10
Bill 3, 1989	Constitution Alteration (Title of the Primate) Bill 1989	29 January 2027	10

APPENDIX 2 TO NOTES ON THE CONSTITUTION

ALTERATIONS TO THE CONSTITUTION NOT IN EFFECT

No.	Title	Sections affected
Bill 1, 1981	A Bill To Alter The Constitution of the Anglican Church of Australia with respect to the Ordination of Women	4, 74 (6A)
Bill 2, 1981	A Bill to Alter the Constitution of the Anglican Church of Australia with respect to the Mode of Appointment of the Appellate Tribunal	57 (1)
Canon 1, 1987	Constitution Alteration Canon 1987 [67]	Section 2 has not come into operation
Bill 1, 1987	Constitution Alteration Bill 1987 [68]	Section 2 has not come into operation
Canon 7, 1992	Constitution Amendment (Section 51) Canon 1992	51 and Table annexed to the Constitution
Canon 11, 2004	Constitution Amendment (Relations with other Churches) Canon 2004	6
Canon 13, 2004	Constitution Alteration (Chapter IX) Canon 2004	63A; S67(1)(c)
Canon 6, 2007	Constitution Alteration (Chapter IX) Canon Amendment Canon 2007	2 subsections (2), (3), (4), (7), (8), (9), (10) and (11)
Canon 8, 2007	Constitution Amendment (Section 10) Canon 2007	10
Canon 16, 2007	Constitution Amendment (Section 54A) Canon 2007	54A
Canon 19, 2007	Constitution Amendment (Provinces and Dioceses) Canon 2007	38A; 38B; 45A
Canon 8, 2010	Constitution Amendment (Section 30) Canon 2010	30
Canon 3, 2026	Constitution Amendment (Provincial Composition) Canon 2026	37, 38
Canon 4, 2026	Constitution Amendment (Provincial Constitutions) Canon 2026	40, 41
Canon 5, 2026	Constitution Amendment (First Nations Bishops) Canon 2026	17(8)(a)
Canon 9, 2026	Constitution Amendment (Defence Force Representation in General Synod) Canon 2026	17(1), 17(8)(a)

67 This canon came into effect on 1 July 1992.

68 This bill came into effect on 1 July 1992.