
*The Church of England in Australia Constitution
Assenting Ordinance 1928.*

No. 6. 1928.

AN ORDINANCE to assent to the Constitution of the Church of England in Australia approved by the Archbishops Bishops and duly elected Representatives of the Clergy and Laity of the Dioceses of the Church of England in Australia and Tasmania assembled in solemn Convention in the City of Sydney in the month of October and year of Our Lord One thousand nine hundred and twenty-six; to make provision for and with respect to the promotion of an Act of Parliament to give legal force and effect to such Constitution; and for purposes connected therewith.

PREAMBLE.

WHEREAS a Constitution of the Church of England in Australia was approved by the Archbishops Bishops and duly elected Representatives of the Clergy and Laity of the Dioceses of the Church of England in Australia and Tasmania assembled in solemn convention in the City of Sydney in the month of October and the year of Our Lord One thousand nine hundred and twenty-six and commended to the respective Dioceses with request that all necessary and proper steps be taken in order to secure the assent of the Church of England within the respective Dioceses to the Constitution and in order to secure the enactment by the Parliaments of the States of the Commonwealth of Australia of Acts for giving legal force and effect to the Constitution.

AND WHEREAS the General Synod of the Dioceses of the Church of England in Australia and Tasmania convened in the same month and year in the City of Sydney under Mandate from the Primate did likewise approve the Constitution.

AND WHEREAS the Constitution is to take effect as provided in section fifty-nine thereof and is to apply to every Diocese in Australia which assents thereto. AND WHEREAS the assent of the Church of England within a Diocese is to be given through

the Synod of the Diocese specially summoned for the purpose and this session of Synod was summoned accordingly.

Now the Synod of the Diocese of Sydney in pursuance of the powers vested in it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and by the Church of England Trust Property Act 1917 and otherwise hereby declares directs and rules as follows:—

(1) The assent of the Church of England in the Diocese of Sydney acting through the Synod of the Diocese, is hereby given subject to the provisions of this Ordinance to the Constitution of the Church of England in Australia as agreed upon by the Archbishops Bishops and duly elected Representatives of the Clergy and Laity of the Dioceses of the Church of England in Australia and Tasmania, assembled in solemn convention in the City of Sydney in the month of October in the year of Our Lord One thousand nine hundred and twenty-six and approved by the General Synod which Constitution is set forth in the Schedule hereto.

(2) The assent given by this Ordinance shall not take effect unless and until in the Act of Parliament of New South Wales and in the Acts of the Parliaments of at least four other States of the Commonwealth of Australia for giving legal force and effect to the Constitution, declarations safeguards and provisions to the following effect are inserted:—

- (a) Nothing inconsistent with the solemn declarations set forth in chapter one of the Constitution shall be capable of acquiring or having any validity or effect under or in pursuance of the Constitution.
- (b) The expression "the character of this Church" in section six of the Constitution shall be held to include the doctrine and principles of the Book of Common Prayer, and the Book of Common Prayer means the Book of Common Prayer as defined in section sixty-five of the Constitution which definition shall be unalterable.
- (c) Section fifty-seven of the Constitution shall apply not only to the provisions mentioned in that section, but also to the following provisions of the Constitution, that is to say, section seven, section fourteen, the first table annexed

to the Constitution, section nineteen, sub-section two of section twenty-one, the last paragraph of sub-section three of section twenty-one, section thirty-seven, section forty, section forty-three, section forty-four and section fifty-eight.

- (d) Nothing in section forty-three of the Constitution shall give any power to the General Synod to alter or permit the alteration of the Constitution of a Diocese, unless the Synod of the Diocese concurs by Ordinance in the alteration.
- (e) Notwithstanding any provision to the contrary contained in the Constitution the Synod of the Diocese of Sydney may by Ordinance exclude from Appeal to the Supreme Tribunal any question included in sub-section three of section forty-six of the Constitution. Section fifty-seven shall apply to this provision.
- (f) Nothing in section fifty-eight of the Constitution shall make alterable any provision which section fifty-six thereof makes unalterable.
- (g) Nothing inconsistent with the foregoing declarations safeguards or provisions shall be capable of acquiring or having any validity or any effect under or in pursuance of the Constitution.

(3) A Select Committee to be appointed by the Synod of the Diocese shall

- (a) Co-operate with the other Dioceses in New South Wales and the Consultative Committee of General Synod in preparing Drafts of Acts of Parliament for giving legal force and effect to the Constitution, subject to the declarations safeguards and other provisions hereinbefore mentioned.
- (b) Report to the Standing Committee with copies of the proposed Acts.

(4) The Standing Committee of the Synod of the Diocese is hereby authorised in the name of the Diocese

- (a) To assent to such draft Acts.
- (b) To endeavour to obtain through the Select Committee the passing of the Act to be presented to the Parliament of New South Wales as soon as possible.

(5) This Ordinance may be cited as "The Church of England in Australia Constitution Assenting Ordinance 1928."

SCHEDULE.

The Constitution of the Church of England in Australia.

Chapter I.—THE DECLARATIONS.

Declarations.

1. The Church of England in Australia humbly relying on the blessing of Almighty God has in general convention at Sydney in the year of our Lord one thousand nine hundred and twenty-six assented to the solemn declarations set forth in this chapter as binding heretofore and henceforth on this church.

The Catholic and Apostolic Church.

2. The Church of England in Australia being a part of the One Holy Catholic and Apostolic Church and in communion with the Church of England in England will ever remain and be in communion with the Church of England in England and with national regional or provincial churches maintaining communion with that church, so long as communion is consistent with the solemn declarations set forth in this chapter.

The Bible

3. This church doth receive 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.

Faith.

4. This church doth hold and will continue to hold the faith of Christ as professed by the One Holy Catholic and Apostolic Church from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.

Doctrine sacraments and ecclesiastical orders.

5. 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.

The Book of Common Prayer.

6. This church doth retain and approve the book of common prayer and the doctrine and principles contained therein and will not in any revision of the book of common prayer or otherwise

make or permit any alteration which would change the character of this church as shown by its assent to this as well as to the other solemn declarations set forth in this chapter.

Chapter II.—THE GOVERNMENT OF THE CHURCH.

7. Subject to this constitution this church has plenary authority and power to make canons ordinances and rules for the order and good government of this church and to administer the affairs thereof. Authority of the Church.

The authority and power of this church may be exercised by the several synods and tribunals in accordance with the provisions of the constitution, but nothing in the constitution or in any canon ordinance or rule shall limit or affect the powers and functions inherent in the episcopate or interfere with the exercise by a bishop priest or deacon of any power or function inherent in him by virtue of his consecration or ordination.

8. A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organization of this church and shall be the see of a bishop with his flock therein. Diocese.

9. The diocesan bishop of each diocese 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 may be prescribed by canon of the general synod. Diocesan bishops.

The diocesan bishop of each diocese shall have such authorities powers rights and duties as may be conferred or imposed on him by this constitution or by or under the constitution of the diocese.

During any vacancy of the office or during the absence from Australia or incapacity of the diocesan bishop of any diocese, the authorities powers rights and duties of the bishop shall be exercised by such person as may be authorised by or under the constitution of the diocese.

10. The metropolitan (to be called archbishop) of each province shall hold office as may be prescribed by the constitution of the province or by ordinance of the provincial synod. Metropolitans.

The metropolitan of each province shall have such authorities powers rights and duties as may be conferred or imposed on him by this constitution or by the constitution of the province or by ordinance of the provincial synod.

During any vacancy of the office or during the absence from the province or the incapacity of the metropolitan of any province, the authorities powers rights and duties of the metropolitan shall be exercised by the senior bishop of the province being at the time in the province and able and willing to act, the seniority in every case being determined by the date of consecration.

Primate.

11. The primate of Australia shall be elected and hold office as may be prescribed by canon of the general synod.

The primate shall have such authorities powers rights and duties as may be conferred or imposed on him by the constitution or by canon of the general synod.

During any vacancy of the office or during the absence from Australia or incapacity of the primate, the authorities powers rights and duties of the primate shall be exercised by the senior metropolitan being at the time in Australia and able and willing to act, or if there is no such metropolitan able and willing to act, then by the *senior diocesan bishop* being at the time in Australia and able and willing to act, the seniority in every case being determined by the date of consecration.

Chapter III.—THE GENERAL SYNOD.

The House of Bishops and the House of Representatives.

The synod.

12. The general synod shall consist of a house of bishops and a house of representatives.

Both houses shall sit together in full synod and deliberate and transact business therein, but if at any time either house by a majority of its members voting expresses its wish to consider separately any matter in debate, the further discussion of the matter shall be postponed until there has been an opportunity of separate consideration.

House of
bishops.

13. The house of bishops shall be composed of the primate the metropolitans the diocesan bishops and the coadjutor bishops.

A coadjutor bishop shall not be entitled to vote except in the absence of the bishop to whom he is coadjutor.

14. (1) The house of representatives shall be composed of clerical and lay representatives of each diocese. House of representatives.

The clerical and lay representatives of a diocese shall be elected or appointed, and any vacancy in the place of a representative may be filled, in such manner as may be prescribed by or under the constitution of the diocese.

The election or appointment shall be held or made once at least in every three years, and the number of representatives shall be as set out in the first table annexed to the constitution.

Every bishop or priest who holds a license from a diocesan bishop shall be qualified to be a clerical representative of a diocese, whether he does or does not reside therein.

Every layman who is not under the age of twenty-one 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.

(2) The bishop of each diocese shall certify and transmit to the primate a list of the 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, except so far as any supplementary list shows that he has ceased to be a representative.

15. The general synod may determine in such manner as it may deem proper whether any person who claims to be a member of the synod or of either house thereof is entitled to be such member, and may determine whether he has been duly and lawfully elected appointed or summoned to the synod. Claim to membership.

16. (1) The general synod may proceed to the despatch of business notwithstanding the failure of any diocese to provide for its representation in the synod. Failure to return representatives.

(2) No canon rule act or exercise of power of the 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 to the election appointing or summoning.

President.

17. The primate or in his absence the senior archbishop present, or if there is no archbishop present, the senior diocesan bishop present shall be president of the house of bishops and of the general synod, the seniority being determined by the date of consecration.

The president may take part in any discussion and vote on any question or matter.

The president may with the concurrence of the general synod prorogue and dissolve the synod.

Quorum.

18. Until the general synod otherwise prescribes, the presence of at least five diocesan bishops and at least fifteen clerical representatives representing not less than seven dioceses and of at least fifteen lay representatives representing not less than seven dioceses shall be necessary to constitute a meeting of the general synod for the exercise of its powers.

Voting.

19. No question shall be deemed to be carried by the synod unless it is carried by both houses.

No question shall be deemed to be carried by the house of bishops unless there is in its favour a majority of the bishops present.

No question shall be deemed to be carried by the house of representatives unless there is in its favour a majority of the clerical and lay representatives voting thereon, or if the clerical and lay representatives vote by orders, there is in its favour a majority of the clerical representatives voting thereon and also a majority of the lay representatives voting thereon. If twenty members then present require the vote to be taken by orders, the vote shall be taken accordingly.

All questions shall be put first to the house of representatives and then to the house of bishops.

Powers.

20. (1) The general synod may make canons for the order and good government of this church with respect to— Unconditional powers.

- (a) the consecration of bishops;
- (b) the oaths declarations and assents to be required of bishops priests and deacons;
- (c) the furtherance of union with other Christian communions;
- (d) the regulation management and disposal of property moneys and revenues under the control of the general synod or of any committee board or commission appointed by the synod, subject to the trusts affecting the same whether original or as varied in accordance with the trust instrument or by any Act of Parliament, and the keeping and rendering of proper accounts;
- (e) matters directed or permitted by the constitution to be prescribed by canon of the general synod, and not directed or permitted by the constitution to be prescribed by ordinance of any other synod;
- (f) matters referred to the general synod by any diocesan synod or synods for the purposes of this section, but so that the canon shall extend only to the diocese of any synod which refers the matter or which afterwards adopts the canon;
- (g) matters incidental to the execution of any power vested by the constitution for the purposes of this section in the general synod.

(2) Where an ordinance of any other synod is inconsistent with a canon made under the powers vested by this section in the general synod, the ordinance shall to the extent of the inconsistency be invalid.

21. (1) The general synod may make provisional canons for the order and good government of this church with respect to— Provisional powers.

- (a) the appointment of coadjutor bishops;
- (b) the general standards of education and fitness to be attained by persons who desire to be admitted to holy orders or to the ministry of this church;

- (c) the promotion of sound learning and theological study among the clergy and laity;
- (d) the promotion of the cause of home and foreign missions;
- (e) the commendation of forms of service not contained in the book of common prayer for use on special or commemorative occasions;
- (f) the provision of superannuation and provident funds for clerical and lay officers;
- (g) insurance against any loss or damage whether by fire or otherwise in respect of any insurable church trust property and against any risk or liability in respect of any person in the service or employment of this church;
- (h) matters referred to the general synod by any diocesan synod or synods for the purposes of this section, but so that the canon shall only extend to the diocese of any synod which refers the matter or which afterwards adopts the canon;
- (i) matters incidental to the execution of any power vested by the constitution for the purposes of this section in the general synod.

(2) Where any canon made under the powers vested by this section in the general synod is inconsistent with an ordinance of the synod of any diocese, the canon shall to the extent of the inconsistency not apply to the diocese.

(3) Where the ordinance is made after the canon the fact that the canon ceases to apply to the diocese shall not—

- (a) affect the previous operation of the canon or anything duly suffered done or commenced to be done under the canon before it ceased to apply;
- (b) affect any right privilege obligation or liability acquired accrued or incurred under the canon before it ceased to apply.

If the ordinance is passed by a majority of the clerical and lay representatives voting by orders, the concurrence of the bishop shall not be necessary, provided that nothing in this sub-section shall authorise an ordinance to be made without such concurrence except for the purpose of excluding the application of the canon.

22. A canon shall be made by a bill passed in accordance with the standing orders. Canons

The bill shall be initiated by a motion for leave to bring in the bill and shall not be passed until the bill has been read a first and second time considered in committee after the second reading, and read the third time.

23. (1) The general synod may make rules prescribing anything necessary or convenient to be prescribed for carrying out and giving effect to any canon or for controlling and regulating the administration of the affairs of the synod, and in particular may make rules prescribing— Rules.

- (a) the procedure for any election or appointment to be made by or under the authority of the synod to any office;
- (b) the authorities powers rights and duties of any officer committee board or commission of the synod.

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

(2) The general synod may pass resolutions declaring the view of the synod on any matter affecting this church or affecting spiritual moral or social welfare. Resolutions.

(3) The general synod may regulate the conduct of the business of the synod under standing orders or otherwise as it may deem proper. Standing orders.

Sessions.

24. (1) Until the general synod otherwise prescribes, there shall be an ordinary session of the general synod at least once in every three years at such time and place as the synod may by resolution appoint or failing any such resolution then as the standing committee of the synod may by resolution appoint. Ordinary session.

(2) A special session of the general synod shall be convened by the primate on the application in writing of not less than one half of the diocesan bishops. Special session.

(3) At least three months before the time for any session of the general synod the primate shall by mandate under his hand and seal 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. Mandate.

Procedure and powers.

(4) The procedure and powers of the general 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 shall be transacted.

Records and Seal.

Proceedings.

25. The proceedings of the general synod shall be duly recorded and be authenticated by the signature of the president.

Every canon of the general synod shall be printed in duplicate, and each duplicate shall be compared and 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.

Seal.

26. (1) The general synod shall have an official seal, which shall be judicially noticed.

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

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

A copy of any canon rule or resolution authenticated by the official seal 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.

Standing Committee.

Composition.

27. There shall be a standing committee of the general synod which shall consist of so many members not less than ten as may be prescribed by any rule of the 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 the general synod shall be entrusted to the standing committee for safe keeping.

Committees Boards and Commissions.

28. The general synod 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 the synod. Appointment.

Unless otherwise provided by any canon or rule of the synod—

- (a) the committee board or commission may include or consist of persons who are not members of the 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 the synod but shall not, unless the resolution so provides, cease to be members of the committee board or commission by reason only of ceasing to be members of the synod;
- (c) the committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of the synod;
- (d) the committee board or commission may, if the 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 the synod, notwithstanding the prorogation or dissolution of the synod by which the committee board or commission is appointed.

Chapter IV.—THE PROVINCES AND PROVINCIAL SYNODS.

Provinces.

29. Each province in Australia shall subject to the constitution continue as at the date on which the constitution takes effect, until altered in accordance therewith. Existing provinces.

30. A new province may be formed by any four or more dioceses becoming united 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 the general synod. New provinces.

The province shall not be deemed to be formed until such ratification.

Alteration of provinces.

31. A province may be altered in accordance with the constitution of the province, provided that the alteration shall not take effect until ratified by canon of the general synod.

Provincial Synods.

Constitution of existing provinces.

32. The constitution of each province in Australia shall subject to this constitution continue as at the date on which the constitution of this church takes effect, until altered in accordance therewith.

Constitution of new provinces.

33. 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 united in the province may think fit, provided that the constitution shall not take effect until ratified by canon of the general synod.

Alteration of constitution.

34. 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 the 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.

Powers.

35. A provincial synod 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 V.--THE DIOCESES AND DIOCESAN SYNODS.

Dioceses.

Existing dioceses.

36. Each diocese in Australia shall subject to the constitution continue as at the date on which the constitution takes effect, until altered in accordance therewith.

New dioceses.

37. (1) 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;
- (d) as a missionary diocese whether within or outside Australia.

(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 thereafter apply to the general synod to ratify the formation of the new diocese.

In any case coming within this subsection a new diocese shall not be deemed to be formed until the formation of the diocese is ratified by or under canon of the general synod.

(3) In any other case the proposal to form a new diocese may be initiated in the general synod, but where any diocese or part of a diocese is included, the new diocese shall not be formed unless the synod of the diocese and the synod of the province, if any, concerned concurs by ordinance in the inclusion.

In any case coming within this subsection, if a diocese or part of a diocese is included, the new diocese shall not be deemed to be formed, until the synod of the diocese and the synod of the province, if any, concerned, concur by ordinance in the inclusion, and subject to such concurrence the new diocese shall be deemed to be formed as the general synod may by canon determine, but if a diocese or part of a diocese is not included, the new diocese shall be deemed to be formed as the 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 the 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 for the new diocese 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.

Alteration of dioceses.

38. (1) A diocese may by ordinance surrender any part of its territory to any other diocese, and that diocese may by ordinance accept the territory so surrendered.

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 the dioceses concerned.

The alteration of boundaries under this sub-section shall take effect on the acceptance.

(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.

The alteration of boundaries under this sub-section shall not take effect until ratified by or under canon of the general synod.

Admission of dioceses.

39. The 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 representatives, as the synod thinks fit.

Diocesan Synods.

Constitution of existing dioceses.

40. The constitution of each diocese in Australia shall subject to this constitution continue as at the date on which the constitution of this church takes effect, until altered in accordance therewith.

Constitution of new dioceses.

41. The constitution of a new diocese shall provide for the election or appointment of the first bishop of the diocese and may adopt all or any of the provisions set forth in the second table annexed to this constitution with or without modifications and additions, provided that the constitution shall not take effect until ratified by or under canon of the general synod.

42. In a missionary diocese or in a diocese in which there are less than ten licensed priests of the diocese there may in lieu of a diocesan synod and until the general synod by or under any canon otherwise prescribes be a provisional synod with such constitution as the general synod thinks fit.

Missionary and small dioceses.

In any diocese in which at the date of the convention mentioned in section one of this constitution there was no provision for a synod, the bishop may, until the general synod otherwise prescribes, be elected in accordance with the provisions under which the bishop in office at that date was elected.

43. The constitution of a diocese may be altered in accordance therewith or by ordinance of the diocesan synod adopting all or any of the provisions set forth in the second table annexed to this constitution, or it may be altered as permitted by or under any canon of the general synod.

Alteration of constitution.

44. (1) A diocesan synod may make ordinances for the order and good government of this church within the diocese.

Powers.

This sub-section shall not be deemed to be a direction or permission to prescribe by ordinance of a diocesan synod within the meaning of paragraph (c) of sub-section one of section twenty of this constitution, but otherwise nothing in this section shall limit any powers of a diocesan synod under this constitution or under the constitution of the diocese.

(2) A diocesan synod may refer to the general synod any matter affecting this church either for the purposes of section twenty or for the purposes of section twenty-one of this constitution.

Chapter VI.—THE TRIBUNALS.

45. There shall be a diocesan tribunal of each diocese, the special tribunal and the supreme tribunal.

Tribunals

46. (1) A diocesan tribunal shall consist of a president and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

Diocesan tribunals.

The president and members shall be elected in such manner, hold office for such period, have such qualifications and be subject

to such disqualifications, 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 the case of a person licensed by the bishop of the diocese, or in the case of any lay officer of the diocese, have jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be prescribed by any canon ordinance or rule.

(3) In matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a diocesan tribunal to the supreme tribunal.

In other matters an appeal shall lie in such cases as may be permitted by ordinance of the diocesan synod or by canon of the general synod from the determination of a diocesan tribunal to the supreme tribunal.

Special
tribunals.

47. (1) The special tribunal shall consist of a president and not less than six other diocesan bishops chosen in such manner as may be prescribed by canon of the general synod.

The primate shall be the president, or if he is not entitled to act, the metropolitan or bishop who would exercise the authorities powers rights and duties of the primate, if the office were then vacant, shall be the president.

No person by or against whom the charge is brought shall be a member of the tribunal.

(2) The special tribunal shall have jurisdiction to hear and determine charges against any diocesan bishop, of breaches of faith ritual ceremonial or discipline.

(3) An appeal shall lie from the determination of the special tribunal to the supreme tribunal.

Supreme
tribunal.

48. (1) The supreme tribunal shall consist of a president and six other members three of whom shall be bishops or priests and three of whom shall be laymen.

The president shall either be or have been a bishop of a see and shall be elected by the general synod.

The other members shall be elected in the general synod as follows, that is to say, two by the house of bishops, two by the clerical representatives, and two by the lay representatives. In each case one of the two members so elected shall be a bishop or priest and one a layman.

A bishop or priest shall not be a member unless he is of at least fifteen years' standing in holy orders.

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 judge of the Supreme Court of a State, or a practising barrister or solicitor, of at least ten years' standing, of the High Court of Australia or of the Supreme Court of a State.

The members of the tribunal shall be elected in such manner hold office for such period and be subject to such disqualifications as may be prescribed by or under canon of the general synod.

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

If any vacancy of office arises while the general synod is not in session the vacancy shall be filled by the other members co-opting a person qualified for the office, and any person so co-opted shall only hold office until the next ordinary session of the general synod, provided that if any appeal is then pending he shall continue to hold office for the purpose of the appeal.

(2) The supreme tribunal shall have jurisdiction to hear and determine appeals from any determination of the special tribunal and from any determination of any diocesan tribunal in any case in which an appeal lies therefrom to the supreme tribunal.

Every appeal to the supreme tribunal shall be by way of re-hearing.

Before determining any appeal the supreme tribunal may if it thinks fit consult the Consultative Body of the Lambeth Conference.

Sentence.

49. (1) 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, that is to say, monition, suspension from office, expulsion from office, deprivation of rights and emoluments appertaining to office, deposition from holy orders.

The recommendation of a diocesan tribunal, or of the supreme tribunal on an appeal from a diocesan tribunal, shall be made to the bishop of the diocese concerned.

The recommendation of the special tribunal, or of the supreme tribunal on an appeal from the special tribunal, shall be made to the primate, provided that where the charge is against the primate, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the primate, if the office were then vacant.

(2) The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may with the consent of the tribunal mitigate or abstain from pronouncing the sentence.

(3) The provisions of the constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from a recommendation or sentence.

Pending
charge.

50. Where a charge is pending 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, and may make such arrangements for the performance of the duties of the office as may be authorized by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.

State Arbitra-
tion Act.

51. 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 have the powers conferred upon arbitrators by any Act of Parliament in force in the State or territory in which the tribunal sits.

Chapter VII.—THE PROPERTY OF THE CHURCH.

52. (1) There shall be a body corporate to be known as the corporate trustees of the general synod of the Church of England in Australia, and in this section referred to as the corporate trustees. Corporate trustees of the general synod.

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 hold and dispose of any real and personal property or any estate or interest therein.

(3) The corporate trustees shall not dispose of any real or personal property or any estate or interest therein except under a power conferred by the instrument, if any, creating the trust or by law, or under authority conferred by a canon of the general synod.

(4) 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.

(5) The corporate trustees shall have such authorities powers and duties as may be conferred or imposed by canon of the general synod.

(6) The corporate trustees may be appointed to be the trustees of any church trust property, provided that where the property is under the control of the synod of a diocese the appointment shall not be made unless the consent of the synod is first obtained.

(7) Where any church trust property is under the control of the synod of a diocese nothing contained in this section or done thereunder shall remove the property from its control or place the property under the control of the general synod. Property under diocesan control.

53. All church trust property shall be held upon the trusts affecting the same, and subject thereto and to any Act of Parliament shall be held in accordance with this constitution. Church trust property.

Chapter VIII.—THE BOOK OF COMMON PRAYER.

Revision in
England.

54. (1) Where an alteration of the book of common prayer is made by the competent authority of the Church of England in England the general synod may by canon permit the use by this church of the alteration, but no permission given by the canon shall have any effect in any diocese or parish until the synod of the diocese by ordinance provides that the alteration may be used in the diocese or parish.

The synod of the diocese may by ordinance make such provision as it thinks proper for ensuring that the use of the alteration shall not be permitted in any parish against the wish of the parishioners.

(2) At any time before the first ordinary session of the general synod the synod of any diocese may by ordinance permit the use in the diocese of any alteration made by the competent authority of the Church of England in England and the ordinance may continue in force until the general synod by canon otherwise prescribes.

(3) This section shall apply to an alteration made before or after the date on which the constitution takes effect.

Revision in
Australia.

55. (1) Except as provided in section fifty-four of this constitution no alteration of the book of common prayer shall be made or permitted except by a canon of the general synod passed and approved in accordance with the provisions of this section.

(2) The canon shall not be made except on a bill which has been recommended by the house of bishops after the report of a special commission appointed by the general synod to consider in what respect, if any, the book of common prayer should be altered.

(3) At least six months before the session of the general synod in which the motion for leave to bring in the bill is made, a copy of the bill and report shall be transmitted to the diocesan bishop of each diocese, or if there is a vacancy in the office or if the bishop is absent from Australia, to the person authorised to administer the affairs of the diocese, together with a request that the same may be published or otherwise notified in the diocese.

(4) Unless two-thirds of the diocesan synod within five years assent by ordinance to the canon and the synods so assenting contain a majority of the priests licensed in this church the canon shall be deemed to have been rejected and the proposed alteration shall not be further considered unless another bill is initiated in accordance with the provisions of sub-sections two and three of this section.

(5) If two-thirds of the diocesan synods within five years assent by ordinance to the canon and the synods so assenting contain a majority of the priests licensed in this church the canon shall be considered by the general synod at its next ordinary session and shall come into force if two-thirds of the members of the house of bishops two-thirds of the clerical representatives voting and two-thirds of the lay representatives voting approve by canon and the general synod by resolution declares that such assent and approval have been given.

(6) No alteration of the book of common prayer made under this section shall affect any diocese or the bishop clergy or laity thereof unless the diocesan synod has by ordinance assented to the canon.

Chapter IX.—THE ALTERATION OF THE CONSTITUTION.

56. The provisions of chapters one and seven of this constitution and the provisions of this section shall not be altered, provided that this section shall not preclude an alteration of the name of this church.

Unalterable provisions.

57. The following provisions of this constitution, that is to say, section twenty, chapter six, chapter eight, this section and section sixty-three, may be altered by canon of the general synod, provided that the alteration shall not come into force until all the diocesan synods by ordinance assent to the canon and the general synod by resolution declares that such assent has been given.

Alteration by consent of all dioceses.

58. (1) Any alteration of the name of this church and of any provision of this constitution other than the provisions mentioned in section fifty-seven may be made by a constituent canon of the general synod.

Constituent canon.

(2) A constituent canon shall not be made unless at least six months before the session of the general synod in which the motion for leave to bring in the bill is made, a copy of the bill is transmitted to the diocesan bishop of each diocese, or if there is a vacancy in the office or if the bishop is absent from Australia, to the person authorised to administer the affairs of the diocese, together with a request that the same may be published or otherwise notified in the diocese.

(3) A constituent canon shall not be made unless the general synod passes it by a majority of the bishops voting thereon in the house of bishops and by the following majorities of the representatives voting thereon in the house of representatives, that is to say—

- (a) a majority of clerical representatives;
- (b) a majority of lay representatives;
- (c) a majority of clerical representatives and a majority of lay representatives of a majority of the dioceses.

Chapter X.—THE OPERATION OF THE CONSTITUTION.

Commence-
ment.

59. (1) The constitution shall take effect on and after 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 the constitution.

The day shall be appointed by a deed signed by the diocesan bishops of not less than eighteen dioceses in Australia, declaring that the Church of England within their respective dioceses acting through a synod or convention specially summoned for the purpose has assented to the constitution.

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

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

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

(3) The diocesan bishops signing the deed shall be a commission for convening the first session of the general synod, and notwithstanding any other provision of the 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 time and place for the session, 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 the 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.

60. (1) The constitution shall apply to every diocese in Australia which assents to the constitution, whether before or after the constitution takes effect, and to every diocese formed or admitted to the general synod under the constitution.

Application of
the constitu-
tion.

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

If any diocese of a province so assents but any other diocese of the province does not so assent to the constitution, the diocese so assenting shall cease to be included in the province.

(3) If any diocese in Australia does not assent to the constitution the diocese shall not by reason only of that fact be deprived of fellowship or communion with this church or with any diocese of the Church of England in Australia and Tasmania, and 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 the general synod.

61. The constitution and all acts matters and things done under the constitution 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.

Operation
of the
constitution.

62. Every consensual compact and every enactment in force in this church, or in any province or diocese which has become or becomes a province or diocese to which the constitution applies shall, subject to the constitution, continue in force in this church

Previous
compacts and
enactments.

or in the province or diocese, until altered under the constitution in the case of any compact or enactment in force in this church, and until altered under the constitution of the province or diocese in the case of any compact or enactment in force in the province or diocese, as the case may be.

This section extends to any determination rule or regulation made by the synod known as the General Synod of the Dioceses in 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.

Decisions of
Privy Council
and English
Courts.

63. No decision of the Judicial Committee of the Privy Council or of any other court in England on any question as to the faith ritual ceremonial or discipline of the Church of England in England shall bind any court or tribunal on any question as to the faith ritual ceremonial or discipline of this church, but nothing in this section shall preclude any such decision from being cited to any court or tribunal as a persuasive precedent.

This section shall apply to a decision given either before or after the date on which this constitution takes effect.

History of the
Church in
England.

64. 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 any officer or member thereof recourse shall unless the general synod by canon otherwise prescribes be had to the history canons practice and custom of the Church of England in England.

This section shall not apply to any canon practice or custom which applies to the Church of England in England by reason only of its being the established church thereof.

Interpretation.

65. (1) In the constitution unless the context or subject matter otherwise indicates—

“Australia” includes any part of His Majesty’s Dominions within the Commonwealth of Australia and any territory in respect of which a mandate is exercised by the Government of the Commonwealth of Australia.

"Cañon" includes a constituent and a provisional canon.

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

"Diocesan bishop" means bishop of a see.

"Diocesan synod" and "synod of a diocese" include a provisional synod.

"Diocese" means a diocese of this church.

"General synod" means the general synod under the constitution.

"License" means a license under seal of a bishop of a diocese and "licensed" has a meaning corresponding with that of license.

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

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

"Parish" means any parish parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese an electoral area for the election of representatives to the synod.

"Parishioner" means any person entitled to vote at the election of representatives of the parish to the synod of a diocese.

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

"Provincial synod" includes a provincial council.

"See" means a see of this church.

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

"The constitution" or "this constitution" means the constitution of this church.

"This church" means the Church of England in Australia.

"Voting by orders" refers to two distinct votes being taken, that is to say, a vote of clerical representatives, and a vote of lay representatives.

(2) In the constitution "the book of common prayer" means the book of common prayer as received by this church before and at the date of the convention mentioned in section one of the constitution, that is to say, 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 and manner of making ordaining and consecrating bishops priests and deacons.

For the purposes of this definition "the book of common prayer" shall be deemed to include the articles of religion, sometimes called the thirty-nine articles.

(3) In the case of lay but not of clerical persons words in the constitution importing the masculine shall include the feminine.

Chapters.

66. This constitution is divided into the following chapters:—

Chapter I.—The Declarations.

Chapter II.—The Government of the Church.

Chapter III.—The General Synod.

Chapter IV.—The Provinces and Provincial Synods.

Chapter V.—The Dioceses and Diocesan Synods.

Chapter VI.—The Tribunals.

Chapter VII.—The Property of the Church.

Chapter VIII.—The Book of Common Prayer.

Chapter IX.—The Alteration of the Constitution

Chapter X.—The Operation of the Constitution.

FIRST TABLE ANNEXED TO SCHEDULE ONE.

Clerical and Lay Representatives in the General Synod.

1. The number of clerical and lay representatives respectively of each diocese shall be in proportion to the number of clergymen of the diocese and shall be determined by dividing that number by a quota, and if on the division there is a remainder, the diocese shall be entitled to one more clerical and one more lay representative.

The primary quota shall be fifteen, provided that where the number of clergymen exceeds three hundred the quota shall in respect of the excess be doubled.

2. Notwithstanding any other provision in this table each diocese shall be entitled to at least one clerical and one lay representative.

3. Notwithstanding any other provision in this table the general synod may by canon vary the primary quota.

4. In this table "clergyman" means a clergyman resident and duly licensed to officiate in the diocese concerned.

SECOND TABLE ANNEXED TO SCHEDULE ONE.

Diocesan Synods.

Provisions which may be adopted in the constitution of a new diocese or by ordinance of the synod of any diocese.

1. The diocesan synod shall consist of the bishop the licensed priests of the diocese or such of them as may be prescribed by or under ordinance of the synod, and lay representatives of each parish of the diocese, together with such additional members, if any, as may be prescribed by or under ordinance of the synod. Composition.

A parish shall mean any parish parochial district or similar pastoral division constituted by or under ordinance of the diocesan synod an electoral area for the election of lay representatives to the synod.

2. (1) An election of the lay representatives of a parish shall be held under a mandate of the bishop once at least in every three years at such time as may be prescribed by ordinance of the diocesan synod. Lay representatives.

(2) The lay representatives of a parish shall be elected and certified, and any vacancy in the place of a lay representative may be filled, in such manner as the diocesan synod may by ordinance determine.

(3) The number of lay representatives for any parish shall be one two or three as may be prescribed by or under ordinance of the diocesan synod.

(4) No person who is under the age of twenty-one years or is not a communicant of this church shall be qualified to be elected or to vote for the election of a lay representative.

Claim to membership.

3. The diocesan synod may determine in such manner as it may deem proper whether any person who claims to be a member of the synod is entitled to be such member, and may determine whether he has been duly and lawfully elected appointed or summoned to the synod.

Failure to return representatives.

4. (1) The diocesan synod may proceed to the despatch of business notwithstanding the failure of any parish to provide for its representation in the synod.

(2) No ordinance rule act or exercise of power of the diocesan 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 to the election appointing or summoning.

President.

5. (1) The bishop of the diocese or in his absence a commissary appointed by him in writing shall be the president of the diocesan synod, and if there is no such commissary present or the see is vacant, the person appointed for the purpose by or under any ordinance rule or resolution of the synod shall be the president.

(2) The president may take part in any discussion.

(3) The president may with the concurrence of the diocesan synod prorogue and dissolve the synod.

Quorum.

6. The quorum of the diocesan synod shall be such quorum as may be prescribed by ordinance of the synod.

Voting.

7. Any question to be determined by the diocesan synod shall be determined in such manner and by such majority, and whether on voting by orders or otherwise, as may be prescribed by ordinance of the synod, and until otherwise prescribed, the question shall be determined by majorities on voting by orders, that is to say, a majority of the clerical representatives voting thereon and a majority of the lay representatives voting thereon.

Powers.

8. (1) The diocesan synod may make ordinances for the order and good government of this church within the diocese.

This sub-section shall not be deemed to be a direction or permission to prescribe by ordinance of the diocesan synod within the meaning of paragraph (e) of sub-section one of section twenty of the constitution of this church, but otherwise nothing in this section shall limit any powers of the diocesan synod under the constitution of this church or under the constitution of the diocese.

(2) The following matters are enumerated as being within the powers mentioned in sub-section one of this section, but the enumeration shall not limit the generality of the provisions of that sub-section:—

- (a) the election of the bishop of the diocese;
- (b) the erection or constitution of a church to be the cathedral church;
- (c) the appointment authorities powers right and duties of coadjutor and assistant bishops and other diocesan officers;
- (d) the oaths declarations and assents to be required of persons who desire to be licensed to exercise the functions of any spiritual or lay office;
- (e) the licenses to be issued by the bishop, the tenure and conditions of office thereunder, and the circumstances in which the bishop may suspend or revoke a license;
- (f) the general standards of education and fitness to be attained by persons who desire to be admitted to holy orders or to the ministry of this church;
- (g) the promotion of sound learning and theological study among the clergy and laity;
- (h) the establishment recognition and support of schools colleges hospitals and other charitable institutions and social agencies;
- (i) the promotion of the cause of home and foreign missions;
- (j) the commendation of forms of service not contained in the book of common prayer for use on special or commemorative occasions;
- (k) the election or appointment of lay and clerical representatives of the diocese in the provincial or general synod, and the filling of a vacancy in the place of any such representative;

- (l) the appointment of a person to be the president of the diocesan synod in the absence of the bishop and commissary or during a vacancy of the see;
- (m) the election of lay representatives of each parish, the number of lay representatives of any parish, the filling of a vacancy in the place of a lay representative of any parish, and the election or appointment of additional members, in the diocesan synod;
- (n) the determination of any claim to membership of the diocesan synod, and of the validity of any election appointment or summons to the synod;
- (o) the grounds on which a person may be disqualified from being elected or from sitting or voting as a member of the diocesan synod;
- (p) the formation union and division of parishes, the alteration of the boundaries thereof, the constitution of other pastoral areas or charges;
- (q) the election or appointment of church wardens and other parochial officers;
- (r) the regulation and management of the affairs of the diocese and of any parish or pastoral area or charge thereof;
- (s) the regulation management and disposal of property moneys and revenues under the control of the diocesan synod, subject to the trust affecting the same, whether original or as varied in accordance with the trust instrument or by any Act of Parliament, and the keeping and rendering of proper accounts;
- (t) the provision of superannuation and provident funds for clerical and lay officers;
- (u) insurance against any loss or damage, whether by fire or otherwise, in respect of any insurable church trust property and against any risk or liability in respect of any person in the service or employment of this church;
- (v) matters directed or permitted by the constitution of this church to be prescribed by ordinance of the diocesan synod;
- (w) matters incidental to the execution of any power vested by the constitution of this church in the diocesan synod.

(3) The diocesan synod may refer to the general synod any matter affecting this church either for the purposes of section twenty or for the purposes of section twenty-one of the constitution of this church.

9. (1) An ordinance of the diocesan synod shall be made by a bill passed in accordance with the standing orders. Ordinances.

(2) The bill shall be initiated by a motion for leave to bring in the bill, and shall not be passed until the bill has been read a first and second time, considered in committee after the second reading, and read the third time.

10. (1) The diocesan synod may make rules prescribing any thing necessary or convenient to be prescribed for carrying out and giving effect to any ordinance of the synod or for controlling and regulating the affairs of the synod, and in particular may make rules prescribing— Rules.

(a) the procedure for any election or appointment to be made by or under the authority of the synod to any office;

(b) the authorities powers rights and duties of any officer committee board or commission of the synod.

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

11. (1) An ordinance or rule of the diocesan synod shall not take effect or have any validity unless within three months after the passing of the same the bishop shall assent thereto in writing. Ordinances and rules.

If the bishop does not so assent, and the ordinance or rule is again passed at the next session of the synod by two-thirds of the clerical representatives voting and two-thirds of the lay representatives voting, the synod may refer the ordinance or rule to the house of bishops of the general synod with provision for the presentment of the case for the diocesan synod and, the house of bishops may determine whether the ordinance or rule is to have effect notwithstanding that the bishop has not consented thereto.

(2) An ordinance or rule of a diocesan synod shall be binding on the bishop clergy and laity of this church in the diocese.

12. The diocesan synod may pass resolutions declaring the view of the synod on any matter affecting this church or affecting spiritual moral or social welfare. Resolutions.

Standing orders.

13. The diocesan synod may regulate the conduct of the business of the synod under standing orders or otherwise as it may deem proper.

Sessions.

14. There shall be a session of the diocesan synod once at least in every year unless the synod has by resolution previously directed that a longer period shall elapse.

The session shall be held at such time and place as may be appointed by or under any ordinance of the synod

Proceedings.

15. The proceedings of the diocesan synod shall be duly recorded and be authenticated by the signature of the president.

Every ordinance of the diocesan synod shall be printed in duplicate and each duplicate shall be compared and 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.

Seal.

16. (1) The diocesan synod shall have an official seal, which shall be judicially noticed.

The seal shall not be used to authenticate any ordinance rule resolution instrument or document or any copy thereof except upon a resolution of the synod or of the diocesan council of the synod and in the presence of at least three members of the council.

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

A copy of any ordinance rule or resolution authenticated by the official seal and purporting to be certified by at least three members of the diocesan council as a true copy shall be evidence of the ordinance rule or resolution and be admissible in evidence without further proof.

Diocesan Council.

17. There shall be a diocesan council which shall consist of the bishop and such number of clergymen and laymen, and elected or appointed in such manner, as may be prescribed by ordinance of the diocesan synod.

The diocesan council shall have such authorities powers and duties as may be prescribed by ordinance of the diocesan synod.

The seal books and records of the diocesan synod shall be entrusted to the diocesan council for safe keeping.

18. The diocesan synod may appoint any committee board or commission that it may deem proper for carrying out or giving effect to any ordinance rule or resolution of the synod, Committees
Boards and
Commissions.

Unless otherwise provided by ordinance or rule of the synod

- (a) the committee board or commission may include or consist of persons who are not members of the 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 the synod, but shall not, unless the resolution so provides, cease to be members of the committee board or commission by reason only of ceasing to be members of the synod;
- (c) the committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of the synod;
- (d) the committee board or commission may, if the 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 the synod, notwithstanding the prorogation or dissolution of the synod by which the committee board or commission is appointed.

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

A. J. GOULD,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this twenty-second day of March, 1928.

E. CLAYDON
HARRINGTON B. COWPER } Secretaries of
the Synod.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

3rd April, 1928.