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*General Synod — Appellate Tribunal Canon 1962*  
*Adopting Ordinance 1974*

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No. 36 , 1974

AN ORDINANCE to adopt a certain canon of the Church of England in Australia entitled "Appellate Tribunal Canon 1962".

5 WHEREAS a certain canon entitled "Appellate Tribunal Canon 1962" (No. 8, 1962) was passed by the General Synod of the Church of England in Australia during the session of the said Synod held in 1962 AND WHEREAS a copy of the said Canon is contained in the Schedule hereto AND WHEREAS it is expedient that the said Canon be  
10 adopted by the Synod of this Diocese NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. The said Canon is hereby adopted and shall so far as the same is applicable be applied to the order and good government of the Church in this Diocese.

2. This Ordinance may be cited as "General Synod — Appellate Tribunal Canon 1962 Adopting Ordinance 1974".

**SCHEDULE**

A CANON Providing for the Appointment of  
the Members of the Appellate Tribunal  
(Section 57 of the Constitution)

The General Synod prescribes as follows:—

1. The following persons are hereby appointed to be the members of the Appellate Tribunal:—  
25 The Right Reverend Kenneth John Clements  
The Hon. Sir Edmund Francis Herring  
who have been nominated by the House of Bishops.  
The Right Reverend David Arthur Garnsey  
The Hon. Mr. Justice Athol Railton Richardson  
30 who have been nominated by the House of Clergy.  
The Most Reverend Frank Woods  
The Hon. Sir Dudley Bruce Ross  
The Hon. Mr. Justice Charles Gray Wanstall  
who have been nominated by the House of Laity.
- 35 2. The Hon. Sir Edmund Francis Herring, who has been chosen by the House of Bishops, shall be the President, and The Hon. Mr. Justice Athol Railton Richardson, who has been chosen in a like manner, shall be the Deputy President.
- 40 3. The members of the Tribunal shall hold office until the next ordinary session of Synod.
- 45 4. A vacancy on the Tribunal shall occur when a member thereof (a) dies, (b) resigns, (c) is declared by any competent court incapable of managing his affairs, (d) ceases to reside permanently in Australia, or (e) being a Bishop ceases to be a Diocesan Bishop.

*General Synod -- Appellate Tribunal Canon 1962  
Adopting Ordinance 1974*

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5. A vacancy shall be filled in the following manner:—
- (a) By an election by a meeting of the members of the House of Bishops if the member whose seat be vacant was nominated by the House of Bishops.
  - (b) By an election by the Clerical or Lay members of Standing Committee if the member whose seat be vacant was nominated by the House of Clergy or the House of Laity as the case may be.
6. In the event of the temporary absence from Australia, illness or other incapacity of any member of the Tribunal, the President or Deputy President may declare that it is necessary to co-opt a person qualified for the office to act as a member of the Tribunal and thereupon the remaining members thereof shall co-opt such a person to act during such member's absence, illness or other incapacity.
7. At the next ordinary session of Synod:—
- (a) The House of Bishops shall nominate one of its members and one layman qualified under the Constitution to be a member of the Appellate Tribunal. Any two members of the house may nominate a qualified person to be a nominee of the house. If more qualified persons than the required number be nominated an election shall take place by the members of the house in the manner hereinafter provided.
  - (b) The House of Clergy shall nominate one Diocesan Bishop and one layman qualified as aforesaid. Any two members of the house may nominate a qualified person to be a nominee of the house. If more qualified persons than the required number be nominated an election shall take place by the members of the house in the manner hereinafter provided.
  - (c) The House of Laity shall nominate one Diocesan Bishop and two laymen qualified as aforesaid. Any two members of the house may nominate a qualified person to be a nominee of the house. If more qualified persons than the required number be nominated, an election shall take place by the members of the house in the manner hereinafter provided.
  - (d) The names of the persons elected and nominated by each house shall be handed to the President who shall declare the same to the Synod and upon such declaration being made the said persons shall be deemed to have been appointed by the Synod as members of the Appellate Tribunal.
8. (1) As often as it may be necessary the House of Bishops or if the Synod is not in session a meeting of the members of the House of Bishops shall
- (a) from among the laymen appointed by the Synod as members of the Tribunal choose one to be President of the Tribunal, and
  - (b) from the remaining laymen of the Tribunal choose one to be Deputy President of the Tribunal.

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Adopting Ordinance 1974*

- (2) In the event of more than one layman being proposed for either office an election shall be held in the manner herein-after provided.
- (3) The names of the persons chosen as aforesaid to be the President and Deputy President of the Tribunal shall if the Synod is in session be handed by the chairman of the meeting which appointed such persons as aforesaid to the President who shall declare the same to the Synod in writing and if the Synod be not in session the said names shall be forwarded by the said Chairman to the Primate who shall declare such appointments in writing and in either event file the declaration in his registry and upon such declaration being made they shall be deemed to have been so appointed.

9. When an election is required to be made by the members of a house it shall be by ballot and the method of voting shall be determined by a vote of the said members.

10. This Canon may be cited as the "Appellate Tribunal Canon 1962".

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

E.D. Cameron

Deputy Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this Ninth day of October 1974.

W.G.S. Gotley

R.J. Bomford  
Secretaries of Synod.

I assent to this Ordinance.

M.L. Loane

Archbishop of Sydney.

9 /10/1974.