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*General Synod — Appellate Tribunal Canon 1981  
Adopting Ordinance 1982*

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No. 31, 1982

AN ORDINANCE to adopt General Synod Canons Nos. 12,  
1981 and 17, 1981.

WHEREAS

- 5 A. Certain Canons entitled "Appellate Tribunal Canon 1981" and "Appellate Tribunal (Amendment) Canon 1981" have been made by the General Synod of the Anglican Church of Australia.
- B. A copy of the said Canons is contained in the First and Second Schedules hereto.
- 10 C. It is expedient that the said Canons be adopted by the Synod of this Diocese.
- NOW the Synod of the Diocese of Sydney HEREBY ORDAINS  
DECLARES DIRECTS AND RULES as follows:—
- 15 1. The said Canons are 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 1981 Adopting Ordinance 1982".

FIRST SCHEDULE

- 20 A CANON TO REPEAL THE APPELLATE TRIBUNAL CANON 1962 AND TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE APPELLATE TRIBUNAL
- The General Synod prescribes as follows
1. This canon may be cited as the "Appellate Tribunal Canon 1981".
- 25 2. The Appellate Tribunal Canon <sup>1962</sup> is repealed and the seats of all members of the Appellate Tribunal are declared vacant.
3. (1) Synod on the nomination of the House of Bishops appoints the persons named in the First Part of the Schedule to be members of the Appellate Tribunal;
- 30 (2) Synod on the nomination of the House of Clergy appoints the persons named in the Second Part of the Schedule to be members of the Appellate Tribunal; and
- (3) Synod on the nomination of the House of Laity appoints the persons named in the Third Part of the Schedule to be members of the Appellate Tribunal.
- 35 4. A member of the Appellate Tribunal shall vacate his office when he—
- (a) dies,
- (b) resigns,
- (c) is declared by any competent Court incapable of managing his affairs,
- 40 (d) ceases to reside permanently in Australia,

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(c) is convicted in any Court of any offence punishable by imprisonment or death, or

(f) being a bishop ceases to be a Diocesan Bishop;

and in any event at the commencement of the ordinary session of Synod which shall take place next after he attains the age of 69 years.

5 5. If the seat of any member of the Appellate Tribunal becomes vacant while Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of Synod the Primate shall cause the General Secretary to notify the members of the house which  
10 nominated the members whose seat on the Tribunal has become vacant that such vacancy is to be filled, to invite the submission of names of candidates for nomination by the House and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification by which such names should be submitted.

15 If no more names are received than the number of vacant seats to be filled the General Secretary shall declare the persons named to be persons nominated by the house concerned for appointment to the Tribunal, otherwise he shall conduct a postal or other ballot among the members of the house concerned  
20 to determine the persons nominated by such house for appointment as aforesaid, such ballot to be conducted in accordance with the Rules for the time being in force for the conduct of ballots with such modifications as are necessary and the General Secretary shall declare the persons who are successful in such ballot to be persons nominated by the house concerned for appointment to the Tribunal. Upon the Secretary declaring a person to be  
25 nominated for appointment as aforesaid the person shall become a member of the Tribunal.

6. Any Bishop who vacates office upon ceasing to be a Diocesan Bishop having accepted appointment to the office of Diocesan Bishop of another Diocese, shall, on installation as Bishop of that other Diocese, be  
30 automatically reappointed as a member of the Tribunal.

7. Any vacancy not filled pursuant to sections 5 and 6 shall be filled at the next ordinary session of Synod by the appointment by the Synod of a qualified person nominated by the house which nominated the member whose seat has become vacant.

8. The House of Bishops may make regulations prescribing the manner in which the President and Deputy President of the Appellate Tribunal shall be chosen.

9. The Appellate Tribunal shall publish the reasons for the decision in relation to every determination hearing opinion or reference heard by it.

SECOND SCHEDULE

A CANON TO AMEND THE APPELLATE TRIBUNAL CANON 1981  
BY INSERTING THEREIN A SCHEDULE

General Synod prescribes as follows:—

1. (1) This Canon may be cited as the Appellate Tribunal (Amendment) Canon 1981.

(2) The Appellate Tribunal Canon 1981 is hereinafter referred to as "the principal Canon".

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(3) The Principal Canon as amended by this Canon may be cited as the Appellate Tribunal Canon 1981.

2. The following is added to the principal Canon after Section 9 of the Principal Canon.

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*The Schedule*

*First Part*

The Bishop of Canberra and Goulburn, the Right Reverend C. A. Warren  
Mr. K. R. Handley, Q.C.


*Second Part*

10 The Archbishop of Adelaide, the Most Reverend K. Rayner  
Mr. Justice Cox

*Third Part*

15 The Bishop of Newcastle, the Right Reverend A. C. Holland  
Mr. Justice Tadgell  
Mr. P. W. Young, Q.C.

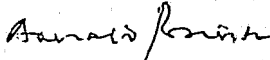
I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

  
Deputy Chairman of Committees

20 WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this <sup>7<sup>th</sup></sup> day of October 1982.

  
Secretaries of Synod

I ASSENT to this Ordinance.

  
Archbishop of Sydney  
7/10/1982