

General Synod - Constitution Alteration (Making of Canons) Canon and Bill 1989 Assenting Ordinance 1993

No 33, 1993

An Ordinance to assent to General Synod Canon No 5, 1989 and Bill No 2, 1989.

Whereas -

- A. The Constitution Alteration (Making of Canons) Canon 1989 (the "Canon") and the Constitution Alteration (Making of Canons) Bill 1989 (the "Bill") were made by the General Synod of the Anglican Church of Australia in 1989.
- B. The text of the Canon is set out in the Schedule and the text of the Bill is identical.
- C. It is expedient that the Synod assent to the Canon and the Bill.

Now the Synod of the Diocese of Sydney Ordains as follows -

Citation

1. This ordinance may be cited as the "General Synod - Constitution Alteration (Making of Canons) Canon and Bill 1989 Assenting Ordinance 1993."

Assent

2. The Synod assents to the Canon and the Bill.

Schedule

A canon to amend the Constitution in the Making of Canons

The General Synod prescribes as follows -

1. This canon may be cited as the "Constitution Alteration (Making of Canons) Canon 1989".
2. If at the time this canon comes into force the Constitution has not been altered to the extent provided in the First Schedule to the Constitution Alteration Canon 1987 the Constitution is altered to the extent provided in the First Schedule to this canon.
3. If at the time this canon comes into force the Constitution has been altered to the extent provided in the Schedule to the Constitution Alteration Canon 1987 the Constitution is further altered to the extent provided in the Second Schedule to this canon.
4. If at the time this canon comes into effect the Constitution has not been altered to the extent provided in the Schedule to the Constitution Alteration Canon 1987 but is so altered by virtue of that canon coming into effect subsequent to the time when this canon comes into effect, then as from the date on which the Constitution is so altered, the Constitution is further altered to the extent provided in the Second Schedule to this canon.
5. The alterations to the Constitution that are made by this canon shall come into force on a date to be appointed and declared by the Primate who shall follow, *mutatis mutandis*, the notification procedure prescribed by Rule XX.

First Schedule

1. Section 27 is repealed and the following inserted in its place -
 27. (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 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, and
 - (ii) a special bill shall follow the procedure prescribed in section 28.
 - (2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.
2. Section 28 is repealed and the following inserted in its place -
 28. (1) A bill 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 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.

3. Section 67 is repealed and the following inserted in its place -

67. (1) Subject to the provisions hereinafter mentioned other sections of this Constitution may be altered subject to the following conditions -

- (a) A bill altering the provisions of this Constitution mentioned at the foot of this clause shall not come into effect unless it has been passed by an affirmative 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 dioceses; the assent of a diocese shall be deemed to be given if a majority of its lay representatives and a majority of its clerical representatives and the bishop thereof have voted in favour of the bill.

Sections 11-14, inclusive; 18-25, inclusive; 27; 31-35, inclusive; 64 (1) (2) and (3); 68-70, inclusive; 75.

- (b) A bill altering the name of this Church or the provisions of this Constitution mentioned at the foot of this clause if passed shall not come into effect unless and until every diocesan synod of this Church has assented to it by ordinance and such assents be in force at the same time.

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

- (c) A bill altering the provisions of this Constitution mentioned at the foot of this clause if passed shall not come into effect unless and until at least three quarters of the diocesan synods of this Church including all the metropolitan sees has 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 (a) and (c); 71-74, inclusive; the Table annexed to the Constitution.

- (2) 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 paragraph (1)(a), to have voted in favour of the bill if the member so administering the diocese has voted in favour of the bill.

(3) Where -

- (a) the only lay or clerical representative of a diocese is absent from synod; or
- (b) one or more lay or clerical representatives are absent from Synod and only one-half of the number of lay or clerical representatives present have voted in favour of the bill;

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

Second Schedule

1. Section 27 is repealed and the following inserted in its place -

27. (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 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, and
 - (ii) a special bill shall follow the procedure prescribed in section 28.
- (2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.

2. Section 28 is repealed and the following inserted in its place -

28. (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.

3. Section 67 is repealed and the following inserted in its place -

67. (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 come into effect unless and until at least three quarters of the diocesan synods of this Church including all of the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

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

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

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

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

N.M. Cameron
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 1993.

W.G. Gotley
C.J. Moroney
Secretaries of Synod

I Assent to this Ordinance.

R.H. Goodhew
Archbishop of Sydney
12/10/1993