The Constitution
Canons and Rules
of The Anglican
Church of Australia
2010
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Church of Australia
2010

THE STANDING COMMITTEE OF THE GENERAL SYNOD
OF THE ANGLICAN CHURCH OF AUSTRALIA
SYDNEY 2010

NINTH EDITION

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with - Provisional Canons; Bills & Canons to alter the Constitution not in effect; Rules Appendices – Table of Canons, Bills and Rules 1962-2010; Table of Constitutions and Canons Ecclesiastical 1603; Determinations
Preface

This volume is the ninth edition of the Constitution Canons and Rules of The Anglican Church of Australia which has become known as “The Green Book”.

The present edition contains, amongst other things, consolidated versions of Canons and Rules incorporating amendments passed up to and including the Fifteenth Session of the General Synod held in Melbourne from 18 to 23 September 2010.

The table, “Canons and Rules – Subject Index” immediately following this preface provides ready identification of the material.

Then follows a table “Canons and Rules by Order of Printing in this Book”. Most Canons and all Rules are printed in chronological order by date of passing. By way of exception, the Canons which replaced the Canons of 1603 are brought together in a separate section in accordance with Resolution 52/04 of the 2004 Session of the General Synod. Where a Canon has been entirely replaced by a new Canon, it is deleted and the new Canon is printed according to the date it was passed. For example, the Corporate Trustees Canon 1962 has been deleted and the Trust Corporation Canon 2010 is printed towards the end of the list of Canons. If a Canon is to be replaced by a new Canon which has not yet come into effect, both Canons are printed, for example, the National Aboriginal & Torres Strait Islanders Canons of 1998 and 2010 and the Long Service Leave Canons of 1992 and 2010.

The Protocols to the National Register Canon approved by the 2007 Session of General Synod and subsequently amended by resolution of the Standing Committee, have also been included immediately following the National Register Canon 2007.

Appendices A and B set out full lists of the legislative acts of the General Synod from 1962 to 2010 - Appendix A lists Canons, Bills, Provisional Canons and Appendix B lists the Rules. In these Appendices, the symbol • is used to indicate consolidated legislation printed in this volume, with amending legislation indicated by notes. The symbol ♦ is used to indicate legislation which as at June 2011 had not come into effect, but the text of which is printed for reference purposes.

Appendix C provides a ready reference to those Determinations of the General Synods held prior to 1962 which may still be in force in certain dioceses. Those which are not printed in this volume are thought not to be in force in any diocese.
All of the legislation of the General Synod, in the form in which it was passed, has been published in the Proceedings of each session of the Synod. Copies of any of the legislation are available from Diocesan Registries, from the General Synod Office or, most conveniently, from the General Synod website: www.anglican.org.au/Web/Website.nsf/content/Introduction_General_Synod. The website also carries the reports and associated documents considered at the Fifteenth Session of the General Synod and the Proceedings of that Session.

Martin Drevikovsky
GENERAL SECRETARY
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THE CONSTITUTION

OF THE

ANGЛИCAN CHURCH OF AUSTRALIA
PART I

CHAPTER I. - FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles’ Creed.

2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.

3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

CHAPTER II. - RULING PRINCIPLES

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

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1 The change of name from Church of England in Australia was made by Canon 16, 1966 which came into effect on 24 August 1981, following enactments by the Parliaments of all States and Territories.

2 See Note 1 above.
Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.

6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

PART II

THE GOVERNMENT OF THE CHURCH

CHAPTER III. - OF THE BISHOPS

7. A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a bishop.

8. There shall be a bishop of each diocese who shall be elected as may be prescribed by or under the constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod, or if the diocese is not part of a province then as prescribed by canon of General Synod.

During any vacancy in the office or incapacity of the bishop of any diocese or during his absence from the diocese for a period exceeding thirty days the authorities powers
rights and duties conferred or imposed on him by this constitution shall be exercised by the person appointed by or under the constitution of the diocese to administer the affairs of the diocese.

General Synod may by canon confer upon a bishop of a diocese the title of Archbishop provided that such canon shall be carried by an affirmative vote of at least two-thirds of the members of each house and shall receive the approval of all the metropolitans.

9. There shall be a Metropolitan (to be called Archbishop) of each province of this Church who shall hold office as prescribed by any Act of Parliament or by the constitution of the province or by ordinance of the provincial synod.

During any vacancy in the office or incapacity of the metropolitan of any province, or during his absence from the province for a period exceeding thirty days the authorities powers rights and duties of the metropolitan under this Constitution shall be exercised by the senior diocesan bishop of the province at the time in the province able and willing to act, seniority being determined by the date of consecration.

10. There shall be a Primate of this Church who shall be elected and hold office as may be prescribed by canon of the General Synod.

During any vacancy in the office or incapacity of the Primate or during his absence from Australia for a period exceeding thirty days, the authorities powers rights and duties of the Primate under this Constitution shall be exercised by the Senior Metropolitan at the time in Australia able and willing to act, or if there is no metropolitan able and willing to act, then by the senior diocesan bishop at the time in Australia able and willing to act, seniority in every case being determined by the date of consecration.

11. The members of the House of Bishops may apart from their meetings as a House of Bishops of the General Synod meet from time to time for the discharge of the functions assigned to a meeting of them under this Constitution.

12. Such a meeting of the said bishops shall be convened by the Primate on his own initiative or at the request in writing of not less than one-third of the bishops, and shall have power to regulate its own business.

13. The presence of at least one-half of the said bishops shall be necessary to constitute such a meeting of the bishops for the discharge of its functions under this Constitution.

14. A certificate signed by the Primate or metropolitan or bishop presiding in the absence of the Primate and purporting to state a decision of such a meeting of the bishops or the votes of individual bishops shall be evidence of the matters so stated.

3 Amended by Canon 16, 1998 which came into effect 1 March 2000
CHAPTER IV. - OF GENERAL SYNOD

COMPOSITION AND PROCEDURE

15. General Synod shall consist of the House of Bishops, the House of Clergy and the House of Laity.

The three houses shall sit together in full Synod and shall deliberate and transact business therein and shall vote together unless a vote by houses is required by not less than five members of the House of Bishops or by ten members of the House of Clergy, or by ten members of the House of Laity.

In the event of a vote by houses being required, all questions shall be put first to the House of Laity, then to the House of Clergy, and finally to the House of Bishops and no question shall be deemed to be resolved in the affirmative by General Synod unless it is so resolved by a vote of the majority of those present in each of the three houses.

A house by a majority of its members voting may decide to consider separately any matter in debate whereupon further discussion of the matter shall be postponed until there has been an opportunity of separate consideration.

The person who holds office as General Secretary or Treasurer of the General Synod shall be entitled to attend the meetings of the General Synod and shall be entitled to propose motions and speak. However, unless such a person is otherwise a member of the General Synod, that person shall not be permitted to vote nor to be counted in a quorum.4

16.5 The House of Bishops shall be composed of the Primate, metropolitans, the diocesan bishops and any bishop who becomes a member of General Synod pursuant to the provisions of subsection 17(8)(a)(i).

17.6 (1) The House of Clergy shall be composed of clerical representatives of each diocese and any bishop, priest or deacon who becomes a member of General Synod pursuant to the provisions of Section 17(8)(a)(ii).

(2) The House of Laity shall be composed of lay representatives of each diocese and any lay person who becomes a member of General Synod pursuant to the provisions of Section 17(8).

(3) Clerical and lay representatives of a diocese shall be elected or appointed, and any vacancy in the place of a representative shall be filled at such time and in such a manner as may be prescribed by or under the constitution of the diocese.

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4 Paragraph inserted by Canon 17, 1995 which came into effect 17 September 1997.
5 Amended by Canon 16, 1998 which came into effect 1 March 2000
6 “Whereas the General Synod recognises the unique historical status of the Aboriginal and Torres Strait Island people, and hence also, the unique relationship between indigenous and non-indigenous people, both within and without the Anglican Church of Australia.” In accordance with Resolution 59/98 of General Synod, the Preamble to Canon 16, 1998 is printed here. S.17 was amended by this Canon which came into effect 1 March 2000.
(4) The number of representatives of a diocese shall be determined in accordance with the table annexed to this Constitution and shall be so determined on or as at each date on which the Primate shall sign and seal a mandate summoning the diocesan bishops to convene representatives to an ordinary session or a special session of the General Synod and shall remain fixed until the next such date.\(^7\)

(5) Every bishop priest or deacon\(^8\) shall be qualified to be a clerical representative of a diocese if he is resident therein at the date of his appointment and holds a licence from the diocesan bishop, provided however that the qualification of residence in the diocese shall not be necessary in the case of\(^9\) a diocese having less than thirty-one clergymen resident and duly licensed to officiate therein.

(6) Every layman who is not under the age of eighteen\(^10\) years and is a communicant of this Church shall be qualified to be a lay representative of a diocese, whether he does or does not reside therein.

(7) Every layman who is not under the age of eighteen\(^10\) years and is a communicant of this Church shall be qualified to be a lay representative of a diocese, whether he does or does not reside therein.

(7) The bishop of each diocese shall certify and transmit to the Primate a list of names and addresses of the clerical and lay representatives of the diocese.

In the event of any change in the representation of a diocese the bishop shall certify and transmit to the Primate a supplementary list showing the change.

Any list or supplementary list so certified shall be evidence that a representative therein named is entitled to be such representative unless a subsequent list shows that he has ceased to be a representative.

(8)\(^11\) (a) For every session of Synod the members of Synod shall include non-diocesan representatives being

(i) an Aboriginal bishop and a Torres Strait Islander bishop who shall be members of the House of Bishops;

(ii) an Aboriginal bishop, priest or deacon and a Torres Strait Islander bishop, priest or deacon who shall be members of the House of Clergy; and

(iii) an Aboriginal lay person and a Torres Strait Islander lay person who shall be members of the House of Laity.

(b) Non-diocesan representatives shall be appointed by the Primate on the recommendation of the body appointed by Canon for that purpose.

(c) The Primate shall cause non-diocesan representatives to be summoned or convened to a session of Synod as may be specified by Canon.

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7 Words added by Canon 13, 1992 which came into effect on 25 June 1995.
8 Words “or deacon” added by Canon 22, 1985, and Bill 2, 1985 which came into effect on 1 July 1988.
9 Words deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995
11 S.17(8) added by Canon 16, 1998 which came into effect on 1 March 2000
(d) A non-diocesan representative must be a communicant member of this Church who is otherwise qualified as may be specified by Canon.

(e) A non-diocesan representative shall be entitled to such vote in Synod as is permitted or authorised by the Constitution but such vote shall not be counted for the purpose of determining whether a canon or resolution has been assented to by a majority of all dioceses.

18. General Synod in such manner as it may deem proper may determine whether any person who claims to be a member of the Synod or of any house is entitled to be a member thereof and whether he has been duly and lawfully elected appointed or summoned to the Synod.

19. (1) General Synod may proceed to the despatch of business notwithstanding the failure of any diocese to provide for its representation in the Synod and notwithstanding any failure to elect or appoint any non-diocesan representatives of Synod and notwithstanding a vacancy in the office of Primate or a metropolitan or a diocesan bishop.12

(2) No canon rule act or exercise of power of General Synod shall be vitiated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned, or by reason only of any informality with respect of the election appointing or summoning.

20. The Primate or in his absence the Senior Metropolitan present, or if there is no metropolitan present, the senior diocesan bishop present shall be President of the House of Bishops and of General Synod, seniority in every case being determined by the date of consecration.

The President may take part in any discussion and vote on any question.

The President of the House of Bishops and of General Synod may, at any time during a meeting of that house, or of General Synod, call upon a metropolitan, or if there is no metropolitan present, the senior diocesan bishop present to preside, temporarily, at the meeting, whether or not the President is present at the meeting.13

21. Until General Synod otherwise prescribes the presence of at least seven members of the House of Bishops and at least fifteen members of the House of Clergy representing not less than seven dioceses and of at least fifteen members of the House of Laity representing not less than seven dioceses shall be necessary to constitute a meeting of General Synod for the exercise of its powers.

22. At each session of Synod the House of Clergy and the House of Laity shall elect its own chairman and such other officers as it considers necessary.

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12 Words added by Canon 16, 1998, which came into effect on 1 March 2000
13 Paragraph added by Canon 8, 1989 and Bill 4, 1989, which came into effect on 24 August 1989
SESSIONS

23. Until General Synod by canon otherwise prescribes:–

(a) Ordinary sessions of Synod shall be held at intervals not exceeding four years, and at such time and place as Synod may by resolution appoint or failing any such resolution then as the Standing Committee of Synod may by resolution appoint provided that the Standing Committee of Synod may on grounds of emergency or other special grounds by resolution defer the summoning of Synod for a period exceeding four years from the previous Synod but not exceeding twelve months from the date of such resolution and may do so from time to time provided further that Synod shall meet at least once in every six years.

(b) A special session of Synod shall be convened by the Primate at the request in writing of not less than one-half of the members of the House of Bishops or of one-third of the members of the House of Clergy or of one-third of the members of the House of Laity or upon a resolution of the Standing Committee.

Each request made by members of the House of Bishops, of the House of Clergy or of the House of Laity as aforesaid shall have attached thereto or incorporated therein the bills for canons, rules, statements and resolutions and specify any other business which those who make the request require the synod to consider at such special session.

(c) At least four months before the time for any ordinary or special session of Synod the Primate shall by mandate under his hand and seal (bearing the date on which the mandate was signed and sealed, as aforesaid) summon the diocesan bishops, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

(d) The procedure and powers of Synod in a special and an ordinary session shall be the same, provided that in a special session no business other than the business specified in the mandate the conduct of such business and matters of procedure shall be transacted.

(e) The mandate for a special session shall:

(i) be accompanied by a copy of the bills for canons, rules, statements and resolutions and specify any other business attached to or incorporated in the request for such special session, and

(ii) be accompanied by a schedule listing such business which the Primate or the Standing Committee decide should be considered at the special session.

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

24. The proceedings of General Synod shall be duly recorded and be authenticated by the signature of the President.

Every canon of General Synod shall be printed in duplicate, and each duplicate shall be certified as correct by the President, the chairman of committees and the secretaries of the Synod, authenticated by the official seal, and filed in books.

25. (1) General Synod shall have an official seal, which shall be judicially noted.

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

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

A document purporting to be a copy of any canon rule or resolution so authenticated and purporting to be certified by at least three members of the Standing Committee as a true copy shall be evidence of the canon rule or resolution and be admissible in evidence without further proof.

CHAPTER V. - OF THE POWERS OF GENERAL SYNOD

26. Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions.

27. (1) A canon shall be made by a bill passed by General Synod in accordance with the Synod's standing orders provided that -

(i) the bill shall have been circulated to each diocese and to each non-diocesan representative at least three months before the first day of the session of Synod at which the bill is to be presented, provided that the Standing Committee may allow a shorter period of notice but not less than one month and provided further that General Synod by an affirmative vote in each house of at least three-fourths of the members present may declare a bill to be a matter of urgency and permit it to be included in the agenda without previous notice," and

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

15 S.27 repealed and a new sec. 27 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.
16 Words added by Canon 16, 1998 which came into effect on 1 March 2000
(2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.

28.17 (1) A bill (not being a bill for a canon to alter this Constitution) which deals with or concerns the ritual ceremonial or discipline of this Church shall follow the procedure of this section as a special bill unless, at any time before it votes on a motion that the bill do pass, Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.

(2) In the case of any other bill (not being a bill for a canon to alter this Constitution) if, at any time before it votes on a motion that the bill do pass, not less than twenty-five members of General Synod petition the President that the bill should be treated as a special bill the President shall put to General Synod the motion that it be so treated and if General Synod so decides the bill shall be dealt with as a special bill.

(3) A special bill shall be dealt with as other bills are dealt with subject to the following qualifications -

(i) a motion that the bill do pass shall be deemed not to be agreed to unless it is agreed to by at least two-thirds of the members of each of the three houses present; upon such a motion being so agreed to the special bill shall stand as a canon provisionally made.

(ii) The provisional canon shall then be referred to the synod of each diocese for its consideration and each diocesan synod shall submit to the President within a period specified by canon or by the provisional canon its assent to or dissent from the provisional canon together with such report and recommendation as it may think fit.

(iii) If every diocesan synod reports that it assents to the provisional canon the President shall so declare and thereupon it shall be a canon duly passed otherwise the reports and recommendations received from the diocesan synods shall be presented to General Synod and the provisional canon shall be presented to the synod as if it were a bill.

(iv) If a subsequent motion that the bill do pass is agreed to by at least two-thirds of the members of each of the three houses present it shall be a canon duly passed unless General Synod, immediately before the vote is taken, by a majority of the three houses voting together shall resolve that it shall be a provisional canon only, whereupon the procedure given above shall again be followed.

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17 S.28 repealed and a new sec. 28 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.
29. For the purposes of this section -

(a) “Act” means a canon, provisional canon, rule, resolution or statement made by General Synod notwithstanding that the canon, the provisional canon, the rule, the resolution or the statement is or may be in whole or in part void; and

(b) “Proposal” means any proposal that General Synod make a canon or a rule or a statement or that General Synod pass a resolution, being a proposal of which notice has been given to the General Synod in accordance with any requirements applicable thereto (notwithstanding that consideration may or may not have been given to the proposal by General Synod) but does not include an Act.

(2) A reference under this section to the Appellate Tribunal may be made by -

(a) twenty-five members of the General Synod; or

(b) one third of the members of the House of Bishops; or

(c) one third of the members of the House of Clergy; or

(d) one third of the members of the House of Laity; or

(e) the Primate.

(3) A reference under this section to the Appellate Tribunal shall:

(a) be in writing addressed to the President of the Appellate Tribunal;

(b) identify the Act or Proposal to which the reference relates;

(c) state the question which is or the questions which are to be considered by the Appellate Tribunal;

(d) be signed by the Primate or the other persons making the same; and

(e) except in the case of a reference by the Primate, be delivered to the Primate.

(4) The questions which may be stated in a reference under this Section to the Appellate Tribunal are:

Is any part of the Act or Proposal identified in the reference inconsistent with the Fundamental Declarations or the Ruling Principles?

Does any part of the Act or Proposal identified in the reference deal with or concern or affect the ritual ceremonial or discipline of this Church?

(5) If a reference is made under this section to the Appellate Tribunal in relation to a Proposal, the Proposal may become an Act thereafter but the Act shall

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18 S.29 repealed and a new sec. 29 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.
have no effect prior to the date on which the Appellate Tribunal delivers to the Primate its answer to the question or questions in the reference.

(6) Subject to sub-section (7) the Appellate Tribunal shall:

(a) give its opinion or determination with respect to a reference made to it under this section;

(b) where a question is answered in the affirmative -

   (i) incorporate in the answer particulars of each part of the Act or Proposal which caused the question to be so answered, and

   (ii) where the question concerns inconsistency identify the part or parts of the Fundamental Declarations and Ruling Principles with which that part of the Act or Proposal is inconsistent;

(c) provide reasons for its decision; and

(d) deliver to the Primate its answers and the reasons for its decision.

(7) (a) The Appellate Tribunal shall in no case provide an answer in the negative except with the concurrence of at least four members, and where the question involves any question of faith ritual ceremonial or discipline shall not provide an answer in the negative except with the concurrence of at least two bishops and two lay members of the Tribunal; and

(b) if the Appellate Tribunal is unable to provide an answer to a question in either the affirmative or the negative the President shall so report to the Primate and advise him in writing of the reasons for that inability.

(8) The Appellate Tribunal may, with its answers and reasons:

(a) where it provides an answer in the affirmative, specify a change or changes to the Act or Proposal which, if adopted or incorporated therein, as the case may require, would permit a similar question or similar questions relating thereto to be answered in the negative, and

(b) add such comment or opinion as the members deem may be of value to the General Synod.

(9) Notwithstanding the provisions of sub-section (10) and sub-section (11) of this section and sub-section (2) of Section 73, a decision of the Appellate Tribunal given in an answer pursuant to this section shall be final.

(10) An Act which is inconsistent with the Fundamental Declarations and an Act, other than a canon to alter the Ruling Principles, which is inconsistent with the Ruling Principles shall to the extent of the inconsistency, be void.
(11) An Act which deals with concerns or affects the ritual ceremonial or discipline of this Church and which has not been made in accordance with the requirements of this Constitution shall, to the extent to which it so deals concerns or affects, be void.

30. Subject to the preceding section and unless the canon itself otherwise provides, a canon duly passed by General Synod shall come into force on and from a date appointed by the President, being not later than one calendar month from the date upon which the canon was passed. The canon as on and from the appointed date shall apply to every diocese of this Church and any ordinance of any diocesan synod inconsistent with the canon shall to the extent of the inconsistency have no effect.

Provided that:-

(a) Any canon affecting the ritual, ceremonial or discipline of this Church shall be deemed to affect the order and good government of the Church within a diocese, and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.

(b) If General Synod declares that the provisions of any other canon affect the order and good government of the Church within, or the church trust property of a diocese, such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.

(c) If General Synod should not so declare the synod of a diocese or the diocesan council may declare its opinion that the provisions of the said canon affect the order and good government of the Church within or the church trust property of such diocese and notify the President within one month thereafter and then the following provisions shall apply:-

(i) If the said diocesan synod or council declare its opinion as aforesaid within a period of two years from the date of the passing of the said canon and the Standing Committee advises the President that it agrees with the said opinion the canon shall not and shall be deemed not to have come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;

(ii) If the said diocesan synod or council declare its opinion at any time after the expiration of the said period of two years and the Standing Committee advises the President that it agrees with the said opinion the said canon shall cease to apply to the said diocese as from the date of the said declaration and shall not after such date again come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;
(iii) If the Standing Committee in either case should not so advise the President he shall refer the question raised by the said opinion to the Appellate Tribunal for its determination and unless the Appellate Tribunal determines the question in the negative the canon shall be deemed not to have come into force in the said diocese in the first case or to have force or effect in the said diocese after the date of the said declaration in the second case until the diocesan synod by ordinance adopts the said canon.

(d) Any canon adopted as aforesaid by a diocesan synod may by ordinance be excluded at a subsequent date.

(e) This section shall not apply and shall be deemed never to have applied to a canon to alter this Constitution.

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(1) Synod shall not make any canon or rule imposing any financial liability on any diocese except in accordance with this section.

(2) Synod may by canon or rule provide for the costs, charges and expenses in or in connection with -

(a) The carrying into effect of this Constitution;

(b) The holding of synod and the conduct of its business;

(b1) The implementation of and giving effect to any canon rule or resolution of Synod;

(c) The meetings and the conduct of the affairs of the Standing Committee and any other committee, board or commission established by Synod;

(d) The sittings of the Appellate Tribunal to hear and determine any appeal question or matter made or referred to it and the sittings of the Special Tribunal to hear and determine any charge brought before it;

(e) The maintenance of the registry of the Primate and primatial travelling expenses;

(f) The election or appointment of the corporate trustees and the administration of the affairs of the body corporate.

Provided that in respect of the calendar year next following an ordinary session of Synod such canon or rule shall not impose any financial

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19 Proviso (e) added by Canon 22, 1985, which came into effect on 1 July 1988. No alteration to section 30 was made by Bill 2, 1985. The proviso was also added by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

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

liability on the dioceses pursuant to paragraphs (a), (b1), (c) and (e) which in the aggregate exceeds an estimate of the costs charges and expenses for that year in connection with those matters approved by Synod.

(3) Notwithstanding subsection (2), Synod may make any canon or rule imposing a financial liability on any diocese of this church in respect of matters not included in subsection (2) but such liability shall only be incurred by that diocese if by ordinance it assents to the same.

(4) Subject to this section, Synod may by canon or rule provide for the levying of assessments on dioceses of this Church, the method of calculating such assessments and their apportionment between the said dioceses.

(5) Subject to the provisions of any canon rule or resolution of Synod the Standing Committee is empowered to determine or approve the amounts to be expended in respect of any of the matters for which Synod may, in accordance with this section, impose a financial liability on a diocese.

33. (1) General Synod may make rules prescribing anything necessary or convenient for carrying out and giving effect to any canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing –

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

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

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

(2) General Synod may regulate the conduct of its business under standing orders or otherwise as it may deem proper.

Chapter VI. - Committees Boards and Commissions

34. There shall be a Standing Committee of General Synod which shall consist of so many members not less than ten as may be prescribed by any rule of Synod.

The members of the Committee shall be elected or appointed and shall hold office as may be prescribed by any rule of the Synod.

The seal books and records of General Synod shall be in the care and control of the Standing Committee.
35. General Synod shall appoint such boards of assessors as may be required for the purposes of this Constitution and may appoint any committee board or commission that it may deem proper for carrying out or giving effect to any canon rule or resolution of Synod, and the following provisions of this section shall apply to a board of assessors as well as to any such committee board or commission.

The power to appoint under this section may be exercised by the General Synod itself, or may be exercised by the Standing Committee.

Unless otherwise provided by any canon or rule of Synod -

(a) The committee board or commission may include or consist of persons who are not members of Synod;

(b) The members of the committee board or commission shall be elected or appointed and shall hold office as may be determined by resolution of Synod but shall not, unless the resolution so provide, cease to be members of the committee board or commission by reason only of ceasing to be members of Synod;

(c) The committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of Synod;

(d) The committee board or commission may, if Synod by resolution so directs, continue to exist and to exercise and perform its powers and duties, until the expiration of the first week of the next following ordinary session of Synod.

CHAPTER VII - THE PROVINCES AND PROVINCIAL SYNODS

PROVINCES

36. A province of the Church of England in the Dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

37. A new province may be formed by any four or more dioceses associating for that purpose, provided that the formation of the province is approved by ordinance of the diocesan synod of each of such dioceses, and ratified by canon of General Synod. Nevertheless General Synod may upon a petition preferred to it by less than four dioceses declare that such petitioning dioceses may proceed under this section and the same shall then apply to them accordingly.

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22 Paragraph added by Canon 2, 1989, and Bill 1, 1989, which came into effect on 23 August 1989.
23 Sentence added by Canon 6, 1998 which came into effect on 1 March 1998.
38. A province may be altered in accordance with the constitution of the province either by an increase or by a decrease in the number of dioceses forming the province, provided that the alteration shall not take effect until ratified by canon of General Synod.

**PROVINCIAL SYNODS**

39. The constitution of each province of the Church of England in the dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance with the provisions of this Constitution.

40. The constitution of a new province may provide either for a provincial synod or for a provincial council, and in either case may contain such provisions as the diocesan synod of each of the dioceses to be included in the province may think fit, provided that the constitution shall not take effect until ratified by canon of the General Synod.

41. The constitution of a province may be altered in accordance therewith, or with the consent of all the dioceses of the province given by ordinance of the synod of each diocese, provided that the alteration shall not take effect until ratified by canon of General Synod.

This section extends to altering the constitution of a province by substituting a provincial council for a provincial synod, or by substituting a provincial synod for a provincial council.

42. A provincial synod or a provincial council shall have such powers for the order and good government of this Church, within the province as may be prescribed by the constitution of the province.

**CHAPTER VIII. - THE DIOCESES AND DIOCESAN SYNODS**

**DIOCESES**

43. A diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

44. (1) 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.

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24 S.44(1) amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.
(c) out of territory in Australia which is not part of any diocese, and either out of such territory alone or out of such territory together with any diocese or part of a diocese.

(2) Where a new diocese is formed by separation of territory from a diocese or by the union of two or more dioceses or parts of dioceses, the proposal to form the new diocese may be initiated by the diocese or dioceses concerned or by the province, if any, in which the diocese or dioceses are included but the new diocese shall not be formed unless such diocese or dioceses and province, if any, agree by ordinance of their respective synods that the new diocese shall be formed, and General Synod by canon ratify the formation of the new diocese.

(3) In any other case the proposal to form a new diocese may be initiated in General Synod, but where any diocese or part of a diocese is to be included, the new diocese shall not be formed unless the synod of the diocese and the synod of the province in which the diocese is included concur by ordinance and the new diocese shall be deemed to be formed as General Synod may by canon determine.

(4) Upon the formation of a new diocese any church trust property allocated to the new diocese by ordinance of the synod of any diocese concerned, and any church trust property allocated to the new diocese by canon of General Synod in any case where a diocese is not concerned, shall by virtue of the ordinance or canon, as the case may be, and without any other assurance in the law, be held by and be vested in the trustees then or thereafter appointed for the purpose and upon and subject to the trusts affecting the same, but for the use benefit and purposes of this Church within the new diocese.

45. (1) A diocese may by ordinance surrender the whole or any part of its territory to any other diocese, and that other diocese may by ordinance accept the territory so surrendered. Provided however a diocese which has been formed by the separation of territory from a diocese or dioceses shall not surrender such territory to any diocese other than the diocese from which the territory was last separated without the consent of such last-mentioned diocese given by an ordinance of the synod thereof.

The surrender and acceptance may be made upon such terms and conditions, including the allocation of church trust property as may be agreed upon by ordinances made by the dioceses concerned.

(2) A diocese may by ordinance alter its boundaries so as to include territory which is not part of any diocese or so as to exclude territory otherwise than by surrender to another diocese.
(3) Any surrender or alteration under this section shall not take effect until ratified by or under canon of General Synod.

46. General Synod may by canon admit to the synod any diocese the territory of which is partly or wholly outside Australia and may upon such admission impose such terms and conditions, including the extent of representation in the House of Clergy and in the House of Laity, as the Synod thinks fit.

**DIOCESAN SYNODS**

47. The constitution of each diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

48. The constitution of a new diocese shall provide for the election or appointment of the first bishop of the diocese and shall contain such other provisions as may be deemed necessary or convenient, whether set forth expressly or adopted by reference to the provisions set forth in a canon of General Synod, or adopted by reference to the provisions of the constitution of any other diocese, and whether so adopted with or without modifications and additions.

The constitution of the new diocese shall not take effect until ratified by or under canon of General Synod.

49. In a diocese in which less than ten priests are licensed if there be no diocesan synod and until General Synod by or under any canon otherwise prescribes there shall be a diocesan council with such constitution as General Synod thinks fit.

If in any diocese in which there is no provision for a synod the office of the bishop become vacant, the office shall be filled as prescribed by canon of General Synod, or if there is no such canon, then in accordance with the provisions under which the last election or appointment was made.

If in any diocese there is no synod or diocesan council the General Synod may by canon appoint a synod or council.

50. The constitution of a diocese may be altered in accordance therewith or as the synod of the diocese may by ordinance determine in accordance with any canon of General Synod.

51. Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.

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CONSENT OF DIOCESE TO ALTERATION

52. (1) Notwithstanding any provision to the contrary contained in this Constitution or anything done thereunder General Synod shall not without the assent by ordinance of the diocese concerned alter or permit the alteration of-

(a) The constitution or boundaries of a diocese or any of the powers rights or duties of the synod of a diocese or of any diocesan society council board agency or authority, including the powers rights and duties relating to church trust property and the rights of a diocese with regard to the election of its bishop;

(b) The qualifications or mode of election of the representatives of a diocese in General Synod;

(c) The status of any diocese as a metropolitan see or the title to or tenure of office of any metropolitan.

(2) Except with its own assent by ordinance no metropolitan see shall cease to be a metropolitan see or to have associated with it three dioceses.

CHAPTER IX. - THE TRIBUNALS

53. There shall be a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.

54. (1) A diocesan tribunal shall be the court of the bishop and shall consist of a president, who shall be the bishop, or a deputy president appointed by him and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

The members other than the president and deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the diocese.

In any province the provincial synod if so requested by the synod of a diocese may by ordinance of the provincial synod prescribe any matter directed or permitted by this section to be prescribed by ordinance of the synod of the diocese, provided that the synod of the diocese may at any time otherwise prescribe.

(2) A diocesan tribunal shall in respect of a person licensed by the bishop of the diocese, or any other person in holy orders resident in the diocese, have jurisdiction to hear and determine charges of breaches of faith ritual ceremonial
or discipline and of such offences as may be specified by any canon ordinance or rule.

(2A) A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for twelve months or upwards in respect of a member of clergy if:-

(a) the act of the member of clergy which gave rise to the charge occurred in the diocese;
(b) the member of clergy was licensed by the bishop of the diocese or was resident in the diocese within two years before the charge was laid; or
(c) the member of clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the bishop of the diocese or was ordinarily resident therein.

(2B) Where a person has been found guilty of an offence by a diocesan tribunal in the exercise of its jurisdiction under sub-section (2A), the bishop of the diocese shall consult as to penalty with the bishop of the diocese by whom the person is licensed or in which the person resides at the time of the finding and no penalty may be imposed to which the latter bishop does not express concurrence.

(3) A person appointed by the bishop of a diocese or any five adult communicant members of this Church resident within the diocese may promote a charge against any person licensed by the bishop of the diocese or against any other person in holy orders resident in the diocese in respect of breach of faith ritual or ceremonial either before the diocesan tribunal or before the provincial tribunal in its original jurisdiction. Provided that if a charge be preferred against an incumbent of a parish with reference to an offence alleged to have been committed within that parish the aforesaid communicants shall be bona fide parishioners of that parish.

Provided further that before any charge relating to faith ritual or ceremonial be heard by the tribunal it shall be referred to a board of enquiry appointed by ordinance of the diocesan synod and may proceed to a hearing if the said board allows it as a charge proper to be heard.

(4) In matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a diocesan tribunal to the Appellate Tribunal, provided that in any province in which there is a provincial tribunal

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26 Sub-sections (2A) and (2B) added by Canon 10, 1998 as amended by Canon 8, 2001, both of which came into effect on 16 June 2003.
and an appeal thereto is permitted by ordinance of the diocesan synod, an appeal may lie in the first instance to the provincial tribunal, and provided that in any such case an appeal shall lie from the determination of the provincial tribunal to the Appellate Tribunal.

In other matters an appeal shall lie in such cases as may be permitted by ordinance of the diocesan synod from a determination of the diocesan tribunal to the provincial tribunal, if any, or to the Appellate Tribunal, and from a determination of the provincial tribunal to the Appellate Tribunal.

55. (1) A provincial tribunal shall consist of a president who shall be the metropolitan, or a deputy president appointed by him, and not less than two other members as may be prescribed by ordinance of the synod of the province.

The members other than the president or deputy president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the province.

(2) A provincial tribunal shall have jurisdiction to hear and determine appeals from any determination of any diocesan tribunal of the province in any case in which an appeal lies there from to the provincial tribunal.

Every appeal to a provincial tribunal shall be by way of re-hearing.

(3) A provincial tribunal shall, in respect of a person licensed by the bishop of a diocese within the province, have original jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be specified by any canon ordinance or rule, provided that such original jurisdiction shall not be exercised except as prescribed by ordinance of the synod of the diocese.

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

56. (1) Subject to this section, the Special Tribunal shall consist of three persons being:

(a) a person qualified to be a lay member of the Appellate Tribunal who shall be the President of the Special Tribunal;

(b) a diocesan bishop; and

(c) a priest of at least seven years’ standing.

(2) No person by or against whom proceedings in the Tribunal are brought shall be a member of the Special Tribunal.

27 S.56 extensively amended by Canon 14, 2001 which came into effect on 16 June 2003.
(3) Members of the Special Tribunal shall be elected by or shall be appointed from a panel of persons elected by General Synod as prescribed by canon.

(4) The period of office of members of the Tribunal shall be as prescribed by canon.

(5) Until the Synod shall by canon otherwise prescribe:

(a) the members of the Special Tribunal shall be appointed by the Primate on the nomination of the Standing Committee to hold office for up to five years;

(b) in the absence of a member from Australia or in the event of the inability of a member to act, the Primate may appoint a person eligible to be appointed as that member to act in place of that member during the absence or inability. Such acting member shall continue to act in respect of any charge whose hearing commences whilst he or she is Acting President or member;

(6) The Special Tribunal shall have jurisdiction to hear and determine charges against:

(a) any member of the House of Bishops; and

(b) any bishop assistant to the Primate in his capacity as Primate of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.

(7) An appeal shall lie from the determination of the Special Tribunal to the Appellate Tribunal, subject to any limitation as may be prescribed by canon.

(8) The provisions of this section and of sections 60 and 61 as in force before the date of the coming into effect of the Constitution Alteration (Special Tribunal) Canon 2001 shall continue to apply to any proceedings commenced in the Special Tribunal before that date.28

57. (1) The Appellate Tribunal shall consist of seven members three of whom shall be diocesan bishops and four of whom shall be laymen.

The members shall be appointed by the General Synod as follows, that is to say, a bishop and a layman on the nomination of the House of Bishops, a bishop and a layman on the nomination of the House of Clergy and a bishop and two laymen on the nomination of the House of Laity.

A president and deputy president shall as often as may be necessary be chosen from among the lay members of the tribunal by the House of Bishops, or, if General Synod be not in session, by a meeting of the members of the House of Bishops.

A layman shall not be a member unless he is qualified to be a lay representative of a diocese, and is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practising barrister or solicitor, of at least ten years’ standing of the Supreme Court of a State or Territory.29

(2) The members of the tribunal shall be nominated and appointed in such manner, hold office for such period and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by or under canon of General Synod.

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

The Appellate Tribunal shall have jurisdiction to hear and determine appeals from any determination of the Special Tribunal and from any determination of any diocesan or provincial tribunal in any case in which an appeal lies there from to the Appellate Tribunal.

Every appeal to the Appellate Tribunal shall be by way of re-hearing.

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it who has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order for costs only.

(3) Unless otherwise prescribed by canon of General Synod, the Appellate Tribunal may hear and determine any appeal question or matter made or referred to it although all the members thereof be not present at such hearing or determination, provided that there be present at least two bishops and three laymen. And provided further that if during the hearing of any appeal a member attending the tribunal should die or become unable to continue with the hearing the appeal may proceed so long as the president two bishops and one other lay member or the deputy president two bishops and one other lay member be present provided further that if the number of those present on any appeal should be evenly divided on any question of evidence or procedure the president (or in his absence the deputy president) shall have a casting as well as a deliberate vote.

29 Words inserted by Schedule Two of Canon 14, 1992 which came into effect on 25 June 1995.
58. (1) Before determining any appeal or giving an opinion on any reference the Appellate Tribunal shall in any matter involving doctrine upon which the members are not unanimous upon the point of doctrine and may, if it thinks fit, in any other matter, obtain the opinion of the House of Bishops, and a board of assessors consisting of priests appointed by or under canon of General Synod.

(2) In any case where the House of Bishops is consulted under this section, the House of Bishops shall aid the tribunal with such information in writing as it thinks proper, provided that if all members of the House of Bishops do not concur each of the members at the time in Australia may aid the tribunal with such information in writing as he thinks proper. For the purposes of this subsection the House of Bishops shall not include the bishops who are members of the Appellate Tribunal.

59. (1) In all appeals and references to the Appellate Tribunal in any matter involving any question of faith ritual ceremonial or discipline the concurrence of at least two bishops and two laymen and in any other matter the concurrence of at least four members, shall be necessary for the determination of an appeal or the giving of an opinion upon a reference.

(2) General Synod may by canon prescribe any matter incidental to the exercise of any jurisdiction vested by this constitution in the Special Tribunal or in the Appellate Tribunal including the power to award costs.

(3) Unless otherwise prescribed by or under any canon of General Synod, the procedure with respect to hearings and determinations of the Special Tribunal, and with respect to appeals or references to the Appellate Tribunal shall be regulated in such manner as the tribunal thinks fit.

(4) The person who brings a charge before a diocesan or provincial tribunal or before the Special Tribunal if dissatisfied with its determination or recommendation and the person so charged if dissatisfied with the recommendation or sentence pronounced upon such recommendation may within twenty-eight days or within such further time as the president of the Appellate Tribunal may in writing allow after the making of the determination recommendation or the pronouncing of the sentence as the case may be, institute an appeal to the Appellate Tribunal by lodging a notice of appeal in the registry of the Primate and in the registry of the bishop of the diocese or metropolitan concerned and in the case of any sentence or deprivation of or suspension from office the bishop or metropolitan who has pronounced such sentence may thereupon if he sees fit intermit the operation of such sentence.
60. (1) A tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:

(a) deposition from orders;
(b) prohibition from functioning;
(c) removal from office;
(d) rebuke.

Except as otherwise provided herein such recommendation shall be made to the bishop of the diocese concerned.

The recommendation of the Special Tribunal, or of the Appellate Tribunal on an appeal from the Special Tribunal, shall be made to the Primate, provided that if the Primate be a party to the appeal or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate, if the office were then vacant.

(2) The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and in the exercise of his prerogative of mercy (a) mitigate the sentence or (b) suspend its operation or (c) mitigate the sentence and suspend its operation. In each case he shall pronounce the sentence recommended even though he mitigate or suspend it. Provided that if the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years such sentence shall thereafter have no operation.

(3) If in any case the Appellate Tribunal is precluded from determining the appeal, either because the members present at the hearing are equally divided or because there is no such concurrence as is required by this Constitution, the provisions of this sub-section shall have effect, that is to say:-

(a) where any recommendation adverse to the person charged made by a diocesan or a provincial tribunal or by the Special Tribunal, or
(b) where any sentence pronounced against him would but for this sub-section continue in force,

the person to whom the recommendation was made or who pronounced the sentence shall in consultation with the Appellate Tribunal review the recommendation or sentence, and after such review may give

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30 S.60 (1) amended by Canon 14, 2001 which came into effect 16 June 2003.
effect or abstain from giving effect to the recommendation, or may confirm, mitigate or annul the sentence and may give or abstain from giving directions for restoration of office rights and emoluments as he shall think proper and for such compensation where compensation is available as in the circumstances he may deem to be fair and reasonable.

(4) The provisions of this Constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from the recommendation or sentence but shall not extend to a ruling of a tribunal of an interlocutory nature.

61.31

(1) Where a charge has been promoted before a tribunal against any person licensed by the bishop of a diocese, the bishop with the concurrence of the diocesan council may suspend such person from the duties of his office until the determination of the charge or for some lesser time, and may make such arrangements for the performance of the duties of the office as may be authorised by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.

(2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –

(a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;

(b) the charge will not allege a breach of faith, ritual or ceremonial; and

(c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence.

(3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –

(a) the intention of the bishop or any other authorised person to promote the charge;

(b) the conduct complained of; and

(c) the period of suspension.

The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –

(d) a person has been suspended under subsection (2);
(e) the period of suspension has elapsed; and

(f) a charge has not been promoted during the period of suspension;

no further suspension is possible under subsection (2) in relation to the
conduct specified in the instrument.

(4) If during the period of suspension referred to in subsection (2) the bishop or
other authorised person promotes the charge the suspension of the person
shall continue until the first meeting of the diocesan council thereafter.

(5) The bishop of a diocese may revoke the suspension of a person suspended
by him under this section and may do so at any time during the period of
suspension.

(6) Suspension of a person from the duties of office under this section does not
deprive that person of the emoluments appertaining to that office.

61A. Where a charge has been promoted against the bishop of a diocese, the President of
the Special Tribunal with the concurrence of the Diocesan Council, meeting when
the bishop is not present, may, after considering any submission from the bishop,
suspend the bishop from the duties of office until the determination of such charge
or for some lesser time. If such suspension is made and is from a paid office, or if the
person voluntarily stands aside from performing the duties of office, the person shall
be deemed to be on paid leave and to be absent from the State or Territory in which
the duties of office would otherwise be performed.

62. (1) For the purpose of securing the attendance of witnesses and the production
documents and for the examination of witnesses on oath or otherwise a
tribunal shall be deemed to be an arbitrator within the meaning of any law in
force in the State or Territory in which the tribunal sits and shall have power to
administer an oath to or take an affirmation from any witness and for the same
purpose any party to a proceeding before a tribunal or any person permitted by
a tribunal to submit evidence to it shall be deemed to be a party to a reference
or submission to arbitration within the meaning of any such law.

(2) In any proceeding before a tribunal, the tribunal shall admit as evidence that a
person charged has been convicted of an offence, and proof of such conviction
shall be evidence of the facts giving rise to such conviction. This provision
shall not apply if such conviction has been quashed or set aside or in respect of
which a pardon has been given.

(3) In any proceedings before a tribunal, the transcript of any criminal proceedings
in which the member of clergy the subject of a charge before the tribunal was
a party shall be admitted as evidence in the same way as if the persons whose

32 S.61A inserted by Canon 14, 2001 which came into effect on 16 June 2003.
33 S.62 amended by the addition of sub-sections (2) and (3) by Canon 10, 1998 as amended by Canon 8,
2001, both of which came into effect on 16 June 2003.
evidence appears in the transcript had given evidence in person before the 
tribunal. Provided that, the tribunal may exclude the whole or any part of such 
evidence should it consider that admission of the same would be likely to cause 
a serious injustice to the member of clergy charged.

63. (1) Wherever a question arises under this Constitution and in the manner provided 
and subject to the conditions imposed by this Constitution the question is 
referred for determination or for an opinion to the Appellate Tribunal the 
tribunal shall have jurisdiction to hear and determine the same or to give its 
opinion as the case may require provided that if provision is not otherwise 
made under this Constitution for the reference of such question to the tribunal 
the Primate may and shall at the request of General Synod by resolution or 
at the written request of twenty-five members thereof or at the request by 
resolution of the provincial or diocesan synod affected refer the question to the 
tribunal which shall have jurisdiction as aforesaid.

(2) The tribunal may direct that any synod person or class of persons or association 
claiming to be interested in the question shall be notified of the hearing and be 
entitled to appear or be represented thereat.

CHAPTER X. - THE CORPORATE TRUSTEES

64. (1) There shall be a body corporate to be known as “The Anglican Church of 
Australia Trust Corporation” and in this section referred to as the corporate 
trustees.

The body corporate shall be deemed to be constituted as soon as this 
constitution takes effect.

(2) The corporate trustees shall have perpetual succession and a common seal, may 
sue and be sued in and by their corporate name, and may acquire and hold any 
real and personal property or any estate or interest therein.

(3) The corporate trustees shall consist of seven or such less number of persons as 
may be prescribed by canon of the General Synod, and such persons shall be 
elected or appointed and hold office, and may be removed therefrom, as may 
be prescribed by canon of the General Synod.

(4) The corporate trustees may be appointed to be the trustees of any church trust 
property, whether the appointment is made by a person giving or settling 
property by will or otherwise or by a person entitled under the trust instrument, 
if any, or by law to appoint a trustee, provided that where the property is under 
the control of the synod of a diocese or is held exclusively for the benefit of

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34 The name of the Corporation was changed from The Church of England in Australia Trust Corporation 
by Canon 16, 1966 which came into effect on 24 August 1981.
or in connection with a diocese or any part thereof the appointment shall not be made unless the consent of the synod of the diocese is first obtained, and provided that where the property is not under such control or is not so held but is under the control of any society council board agency or authority, whether a body corporate or otherwise, the appointment shall not be made unless the consent of the society council board agency or authority is first obtained.

(5) Nothing contained in this section or done thereunder shall remove any church trust property from the control of any diocesan synod or from the control of any such society council board agency or authority.

CHAPTER XI. - THE ALTERATION OF THIS CONSTITUTION

65. This Constitution shall not be altered except in accordance with the provisions of this chapter.

66. This Church takes no power under this Constitution to alter sections one, two and three and this section other than the name of this Church.

67. 35 (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.

CHAPTER XII. - THE OPERATION OF THIS CONSTITUTION

68. (1) This Constitution shall take effect on and from a day to be appointed in accordance with this section.

The day shall not be appointed until the Parliaments of five States have passed Acts for giving effect to this Constitution.

The day shall be appointed by a deed signed by the diocesan bishops of not less than eighteen dioceses of the Church of England in Australia and Tasmania declaring that their respective dioceses have assented to this Constitution.

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

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

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

(3) The diocesan bishops signing the deed or such of them as shall still be in office shall be a commission for convening the first session of General Synod, and notwithstanding any other provision of this Constitution the commission may do or cause to be done anything necessary or convenient for the convening and holding of the session.

The commission shall appoint the place for the session and the time which shall be not later than twelve months after the day on which this Constitution
takes effect, and shall at least three months before the time for the session in such manner as the commission deems proper summon the diocesan bishops of the dioceses to which this Constitution applies, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

69. (1) Subject to all necessary parliamentary enactments this Constitution shall apply to every diocese of the Church of England in Australia and Tasmania which assents to the constitution, whether before or after this Constitution takes effect, and to every diocese formed or admitted to General Synod under this Constitution. The assent of a diocese shall be given by an ordinance of its synod or if there be no synod or diocesan council by a certificate of its bishop.

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

If four or more dioceses of a province assent such dioceses shall constitute a province under this Constitution.

(3) If any diocese in Australia does not assent to this Constitution such diocese shall not by reason only of that fact cease to be in fellowship or communion with this Church or with the Church of England in the dioceses of Australia and Tasmania, but may have association with this Church on such terms and conditions as may be agreed upon by ordinance of the diocesan synod of the diocese and by canon of General Synod.

70. This Constitution and all canons and rules passed and made hereunder shall be binding on the bishops clergy and laity as members of this Church and for all purposes connected with or in any way relating to church trust property.

71. (1) Every consensual compact and every enactment in force in the Church of England in the dioceses of Australia and Tasmania, or in any province or diocese which has become or becomes a province or diocese to which this Constitution applies shall insofar as they are not inconsistent with this Constitution, continue in force in this Church or in the province or diocese, until altered under this Constitution or under the constitution of the province or diocese.

This sub-section extends to any determination rule or regulation made by the Synod known as the General Synod of the Church of England in the dioceses of Australia and Tasmania, any constitution act canon or ordinance made by the provincial synods of New South Wales, Victoria, Queensland, and Western Australia respectively, and any constitution act canon ordinance rule or regulation made by the diocesan synod of any diocese in Australia.
Nothing in this Constitution shall authorise the synod of a diocese or of a province to make any alteration in the ritual or ceremonial of this Church except in conformity with an alteration made by General Synod.

(2) The law of the Church of England including the law relating to faith ritual ceremonial or discipline applicable to and in force in the several dioceses of the Church of England in Australia and Tasmania at the date upon which this Constitution takes effect shall apply to and be in force in such dioceses of this Church unless and until the same be varied or dealt with in accordance with this Constitution.

72. Where any question arises as to the faith ritual ceremonial or discipline of this Church or as to the authorities powers rights and duties of bishops priests and deacons of this Church, or of any officer or member thereof, nothing in this Constitution shall prevent reference being made to the history of the Church of England in England to the same extent as such reference might have been made for the purposes of the Church of England in the dioceses of Australia and Tasmania immediately before the day on which this Constitution takes effect.

73. (1) In determining any question as to the faith ritual ceremonial or discipline of this Church any tribunal may take into consideration but shall not be bound to follow its previous decisions on any such questions or any decision of any judicial authority in England on any questions of the faith ritual ceremonial or discipline of the Church of England in England.

(2) A determination of any tribunal which is inconsistent or at variance with any decision of such a judicial authority in England shall have permissive effect only and shall not be obligatory or coercive.

(3) A determination of a provincial tribunal shall be binding upon a diocesan tribunal in the province and a determination of the Appellate Tribunal shall be binding upon the Special Tribunal the provincial tribunal and the diocesan tribunal provided however that the synod of a diocese may by ordinance direct that a diocesan tribunal shall not follow or observe a particular determination of the Appellate or provincial tribunal which has permissive effect only.

74. (1) In the constitution unless the context or subject matter otherwise indicates -

“Alteration” includes repeal, and “alter” and “altered” have a meaning corresponding with that of alteration.

“Australia” includes the Commonwealth of Australia and any Territory under the control of the Commonwealth of Australia whether by trusteeship or otherwise.

36 Definition of “Missionary diocese” deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July, 1995.
“Canonical fitness” means, as regards a person, that:

(a) the person has attained at least 30 years of age;
(b) the person has been baptised; and
(c) the person is in priests’ orders.

“Canonical Scriptures” means the canonical books as defined by the sixth of the Thirty-nine Articles.

“Ceremonial” includes ceremonial according to the use of this Church, and also the obligation to abide by such use.

“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 the bishop of a diocese.

“Diocesan council” in a diocese where there is a synod means the body exercising powers and functions of the synod on its behalf when it is not in session.

“Diocesan synod” and “synod of a diocese” include a diocesan council where there is no diocesan synod.

“Diocese” means a diocese of this Church.

“Doctrine” means the teaching of this Church on any question of faith.

“Faith” includes the obligation to hold the faith.

“General Synod” or “Synod” means the General Synod under this Constitution.

“Incumbent” includes the minister in charge of a parish, a parochial district or similar pastoral division.

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

“Member of this Church” means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church.

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37 Definition substituted for previous definition by Canon 9, 1989 and Bill 5, 1989 which came into effect on 5 June 1995.
38 Definition “Discipline” deleted by Canon 18, 1998 which came into effect on 14 April 2003 – see new section 74 (9).
39 Definition inserted by Canon 9, 1995 which came into effect 1 May 1997.
40 Altered by Canon 12, 1985 and Bill 1, 1985 which came into effect on 1 July 1988.
“Metropolitan” includes the bishop exercising the authorities powers rights and duties of the metropolitan.

“Month” means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.\(^41\)

“Ordinance” includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod or of the competent authority in or with respect to a missionary diocese.

“Parish” includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

“Parishioner” means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least eighteen years of age\(^42\)

“Primate” includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate.

“Printing” shall include typing, duplicating or any other method of producing facsimile copies.

“Provincial synod” includes a provincial council.

“Ritual” includes rites according to the use of this Church, and also the obligation to abide by such use.

“See” means a see of this Church.

“State” means a State of the Commonwealth of Australia.

“This Church” means the Anglican Church of Australia\(^43\)

“This Constitution” or “the Constitution” means the Constitution of this Church.

“Voting by houses” means the procedure whereby three distinct votes are taken, that is to say, a vote of the House of Laity, a vote of the House of Clergy, and a vote of the House of Bishops.

In this Constitution “the Book of Common Prayer” means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book entitled

\(^{41}\) Added by Canon 2, 1998 which came into effect on 14 May 2001

\(^{42}\) Word “eighteen” substituted for “twenty-one” by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

\(^{43}\) See Note 1 above.
“The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons,” and generally known as the Book of Common Prayer 1662.

(3) In this Constitution “the doctrine and principles of the Church of England embodied in the Book of Common Prayer” and the “articles of religion” sometimes called the “Thirty-nine Articles” means the body of such doctrine and principles.

(4) In this Constitution, unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine.

(5) In this Constitution “decision of any judicial authority” shall include any judgment order decree sentence or order in council and the reasons report or recommendation therefor, and “judicial authority” shall include any court judge tribunal body or person having either secular or ecclesiastical jurisdiction whether before or after the date on which this Constitution takes effect, and without affecting the generality of any other provision of this Constitution it is hereby declared that “judicial authority” shall include the Court which was commonly called the High Court of Delegates, the King’s Majesty in Council to which the powers of that Court were transferred, and the Judicial Committee of the Privy Council.

(6) In the case of lay but not clerical persons words in this Constitution importing the masculine shall include the feminine.

(7) This Constitution shall, unless the context or subject matter otherwise indicate, be construed as if the Acts Interpretation Act 1901-1948 of the Parliament of the Commonwealth of Australia applied to this Constitution.

(8) Where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose by this Constitution or by any canon made under this Constitution, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event. Where the last day of any period prescribed or allowed for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public or bank holiday in the place in which the thing is to be done or may be done, the thing may be done on the first day following, which is not a Saturday, a Sunday or a public or bank holiday in that place.44

44 Added by Canon 2, 1998, which came into effect on 14 May 2001
(9) In this Constitution “discipline” means

(a) in Chapters II to VII and X to XII the obligation to adhere to, to observe and to carry out (as appropriate):

(i) the faith, ritual and ceremonial of this Church; and
(ii) the other rules of this Church which impose on the members of the clergy obligations regarding the religious and moral life of this Church; and

(b) in Chapter IX, as regards a person in Holy Orders licensed by the bishop of a diocese or resident in a diocese both:

(i) the obligations in the ordinal undertaken by that person; and
(ii) the ordinances in force in that diocese.

(10) In this Constitution a reference to an Aboriginal person is a reference to a person of the Aboriginal race of Australia; and a reference to a Torres Strait Island person is a reference to a person who is a descendent of the indigenous inhabitants of the Torres Strait Islands.

75. This Constitution is divided into the following parts and chapters:

**PART I.**

Chapter I. - FUNDAMENTAL DECLARATIONS (Sections 1-3).
Chapter II. - RULING PRINCIPLES (Sections 4-6).

**PART II. - THE GOVERNMENT OF THE CHURCH**

Chapter III. - OF THE BISHOPS (Sections 7-14).
Chapter IV. - OF THE GENERAL SYNOD (Sections 15-25).
Chapter V. - OF THE POWERS OF GENERAL SYNOD (Sections 26-33).
Chapter VI. - COMMITTEES, BOARDS AND COMMISSIONS (Sections 34-35).
Chapter VII. - THE PROVINCES AND PROVINCIAL SYNODS (Sections 36-42).
Chapter VIII. - THE DIOCESES AND DIOCESAN SYNODS (Sections 43-52).
Chapter IX. - THE TRIBUNALS (Sections 53-63).
Chapter X. - THE CORPORATE TRUSTEES (Section 64).
Chapter XI. - THE ALTERATION OF THIS CONSTITUTION (Sections 65-67).
Chapter XII. - THE OPERATION OF THIS CONSTITUTION (Sections 68-75).

45 Added by Canon 18, 1998, which came into effect on 14 April 2003
46 Added by Canon 16, 1998 which came into effect on 1 March 2000
THE TABLE ANNEXED TO THE CONSTITUTION

CLERICAL AND LAY REPRESENTATIVES
IN GENERAL SYNOD

1. The number of clerical and lay representatives respectively of each diocese shall be in proportion to the number of clergy\textsuperscript{47} of the diocese and shall be determined by dividing that number by a quota, namely, twenty, and if on the division there is a remainder of ten or more the diocese shall be entitled to one more clerical and one more lay representative.

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

3\textsuperscript{48}. In this Table 'clergy' means the number of persons in the Order of Bishop, Priest or Deacon ordinarily resident in the diocese who are:--

(a) incumbents, whether full or part time, stipendiary, part stipendiary or non-stipendiary;

(b) clergy engaged on a full time basis or substantially full time basis in providing services for or in connection with The Anglican Church of Australia or any part thereof and paid a stipend or other remuneration for such services who are not incumbents, whether attached to a parish or otherwise.

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\textsuperscript{47} Changed from "clergymen" by Canon 9, 1995 which came into effect on 1 May, 1997.

\textsuperscript{48} Clause 3 amended by Canon 9, 1995 which came into effect on 1 May, 1997.
NOTES ON THE CONSTITUTION

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

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

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

4. The table on the next page sets out the alterations to the Constitution which had come into effect as at 16 June 2003. These alterations are incorporated in the text of the Constitution. Footnotes to the text draw attention to these alterations.

5. Canons and Bills for the alteration of the Constitution which had not come into effect as at 16 June 2003 are printed in a later section.

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

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

## Alterations to the Constitution which have come into effect

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<tr>
<td>No.</td>
<td>Title</td>
<td>Date came into effect</td>
<td>Sections affected</td>
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<tr>
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<td>Constitution Amendment (Table Annexed) Canon 1995</td>
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NOTE THAT THE CANONS DEALING WITH THE CANONS OF 1603 ARE PRINTED IN THE SECTION FOLLOWING THIS SECTION.
Offences Canon 1962

Canon 4, 1962 as amended by
Canon 7, 1981
Canon 12, 1992
Canon 20, 1998
Canon 05, 2007

A canon to specify offences under sections 54, 55 & 56 of the Constitution

The General Synod prescribes as follows:

1. A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese:

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
4. Wilful failure to pay just debts.
5. Conduct, whenever occurring,
   (a) which would be disgraceful if committed by a member of the clergy, and
   (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Any other offence prescribed by an ordinance of the synod of the diocese.

2. The Special Tribunal in addition to its powers under section 56(6) of the constitution may hear and determine charges against any person referred to in section 56(6) of the constitution made in respect of the following offences:

1. Unchastity.
2. Drunkenness.

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1 Amended by Canon 7, 1981; amended by Canon 20, 1998.
2 Amended by Canon 7, 1981; sub-section (2) repealed by Canon 12, 1992, amended by Canon 20, 1998; further amended by Canon 05, 2007.
3. Wilful failure to pay just debts.

4. Conduct, whenever occurring,
   (a) which would be disgraceful if committed by a member of the clergy, and
   (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.

5. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.

6. Any conduct involving wilful and habitual disregard of his consecration vows.

3. This canon may be cited as the “Offences Canon 1962”.
**Board of Assessors (Appellate Tribunal) Canon, 1962**

Canon 5, 1962

*A canon providing for the appointment of a Board of Assessors in relation to the Appellate Tribunal*

The General Synod prescribes as follows:

1. A Board of Assessors for the purposes of section 58 of the Constitution shall be elected at each session of Synod.

2. The Board shall consist of seven priests.

3. Any priest may be nominated for election to the said Board by two members of Synod.

4. If more than seven priests be so nominated a ballot shall be taken by a vote of the Houses of Synod voting together and the provisions of the rules for the conduct of elections ordered to be made by Synod shall apply thereto.

5. In any case where the Appellate Tribunal desires the opinion of the Board such opinion shall be given in writing and if the Board be not unanimous the members may furnish a majority and a minority opinion or individual opinions as they see fit to do.

6. A vacancy on the Board shall occur if a member die, resign, be declared by any competent court incapable of managing his affairs, cease to reside permanently in Australia or cease to hold a licence from a diocesan bishop. And if a vacancy should occur between sessions of Synod it may be filled by election at a meeting of the Standing Committee.

7. This canon may be cited as the “Board of Assessors (Appellate Tribunal) Canon, 1962”.

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*Canons* 49
A canon prescribing matters incidental to the exercise of jurisdiction by the Special Tribunal and the Appellate Tribunal

(Section 59 of the Constitution)

The General Synod prescribes as follows:

1. - 9.3

Appellate Tribunal

10. An appeal to the Appellate Tribunal from the Special Tribunal, a provincial tribunal or a diocesan tribunal may be lodged in the Registry of the Primate within twenty-eight days after the pronouncement of Sentence or within such further time as the President may in writing allow and in such form as the Appellate Tribunal shall prescribe.

11. The Appellate Tribunal may regulate procedure on the hearing of any appeal before it and a copy of any rules of procedure made by it shall be lodged in the Registry of the Primate.

12. The appellant and any other party to the appeal may appear on the hearing of the appeal by counsel or solicitor.

13. The Appellate Tribunal may make orders for the payment of costs of the parties before it and, in order to ensure that any such order as it may make will be satisfied, may require the appellant to lodge with it security for a sum of money to abide any order as to costs as it may see fit to make as a term and condition of hearing the appeal.

14. The Appellate Tribunal on hearing a reference of any matter or a question referred to it for determination may direct how the costs occasioned by the determination of the reference or question should be provided and if the said direction shall impose a burden of costs on any diocese or member or members of General Synod such diocese, member or members shall pay the same in accordance with the direction, and Standing Committee may take into consideration such direction in estimating the costs to be provided by the dioceses for the sittings of the Appellate Tribunal.

15.5 This canon may be cited as the Appellate Tribunal Procedure Canon 1962.

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3 Repealed by Canon 12, 1992.
4 The Appellate Tribunal Rules 1988 are available from the General Synod Office, Sydney.
5 Replaced by Canon 12, 1992.
CONSECRATION OF BISHOPS CANON 1966

Canon 3, 1966 as amended by
Canon 6, 1969

A canon to provide for the consecration of bishops

The General Synod prescribes as follows:

1. A bishop shall be consecrated by at least three bishops that is to say:
   (i) by the metropolitan of the province in which the diocese is situated, assisted by two or more other bishops of this Church; or
   (ii) if the diocese is not within a province, by the Primate assisted by two or more other bishops of this Church; or
   (iii) by any diocesan bishop of this Church nominated by the Primate or metropolitan to act in his stead for such consecration, assisted by two or more other bishops of this Church

   provided however, where the consecration is for or in respect of a diocese within a province, nothing in this canon shall preclude any other bishop in office in that province from assisting at such consecration

   provided also that nothing in this canon shall preclude any other bishop from assisting at such consecration with the consent of the metropolitan or Primate responsible for such consecration.

   provided further that nothing in this canon shall preclude the consecration of a bishop of this Church in a Church in communion with this Church in accordance with section 6 of the Constitution of this Church by the metropolitan or other bishop of such church assisted by two or more bishops of a church in communion with this Church with the concurrence of the metropolitan and a majority of the bishops of the province of this Church in which the diocese is situated for which such bishop is to be consecrated or if such diocese is not within a province then with the concurrence of the Primate of Australia.

2. In this canon “Metropolitan” and “Primate” shall have the same meaning as in the Constitution of this Church.

3. That this canon affects the order and good government of the Church and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.

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6 Pursuant to Canon 6, 1969, Section 3, the principal Canon as amended may be cited as “Consecration of Bishops Canon 1966-1969”.

7 First proviso added by Canon 6, 1969.
4. Clause 5 of Determination II, Session 1905 of the General Synod of the Church of England in Australia and Tasmania as amended shall cease to have any operation in any diocese on the passing of an Ordinance by the Synod of such diocese adopting this canon.

5. This canon may be cited as the “Consecration of Bishops Canon, 1966”.
The Assistant Bishops’ Canon, 1966

Canon 4, 1966

A canon to regulate the appointment of Assistant Bishops

The General Synod prescribes as follows:

1. The synod of any diocese may from time to time create the office of assistant bishop and may create more than one such office.

2. The appointment of an assistant bishop, whether the office has been created before or after this canon shall come into force, shall be made by the bishop of the diocese with the concurrence of the Diocesan Council.

3. Before making any such appointment the bishop of the diocese shall notify the Primate of his intention of making the appointment and inform him of the stipend provided for the occupant of the office.

4. No appointment shall be made until the Primate has informed the bishop of the diocese in writing that the Metropolitans or a majority of them are satisfied that a sufficient stipend has been provided for the occupant of the office.

5. No priest appointed to the office of an assistant bishop in a diocese within a province shall be consecrated unless his appointment as to canonical fitness has been confirmed as prescribed by ordinance of the provincial synod or if there be no such ordinance or if the diocese be not within a province unless his appointment as to canonical fitness has been confirmed by the Primate and one or more metropolitans.

6. An assistant bishop shall be licensed by the bishop of the diocese and shall undertake such work and perform such episcopal acts as may be required or permitted by the bishop of the diocese.

7. An assistant bishop shall continue in office notwithstanding a vacancy in the see.

8. No assistant bishop shall be appointed with a right of succession to the see.

9. “Assistant bishop” in this canon shall include a coadjutor bishop or other bishop assistant to the bishop of the diocese.

10. Determination II of the Session of 1896 of the General Synod of the Dioceses of the Church of England in Australia and Tasmania as amended shall cease to have any operation in a diocese upon the adoption of this canon by that diocese.

11. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force unless and until the diocese by ordinance adopts it.

12. This canon may be cited as “The Assistant Bishops’ Canon, 1966”.

Canons  53
Confirmation of Bishops of Extra-Provincial Dioceses Canon, 1966

Canon 9, 1966

Canon for the confirmation of the person elected as the bishop of a diocese which is not part of a province

The General Synod prescribes as follows:

1. Where in any diocese which is not part of a province a person shall have been elected or nominated as bishop, the administrator of the said diocese shall transmit the name of such person together with a certificate of his election or nomination to the Primate, and when a person shall have been elected or nominated as the first bishop of a newly-formed diocese or of a diocese about to be formed, which is not part of a province, the person or persons who have elected or nominated him shall transmit a like certificate in like manner.

2. On receiving any such certificate the Primate shall communicate the election or nomination to the other bishops of the dioceses in Australia, and if the Primate and three or more other diocesan bishops be satisfied as to the canonical fitness of the person so elected or nominated, the election or nomination of such person shall be duly confirmed under the hand and seal of the Primate provided that the election of a person who at the time of his election is already a bishop of the Church of England in Australia shall not require to be confirmed.

3. No election or nomination of any person to be bishop of any diocese, other than a newly-formed diocese or one about to be formed, shall be submitted to the bishops of the dioceses in Australia, unless such See shall be or shall have become vacant or shall have been declared vacant by the Primate as the case may be under the powers specified by Determination VI, Session 1891.

4. If the election or nomination of a bishop shall not have been confirmed at the expiration of three months from the receipt by the Primate of the notice of such election or nomination then such election or nomination shall be deemed not to have been confirmed and the Primate shall forthwith notify the Administrator of such Diocese, or in the case of a newly-formed diocese or of a diocese about to be formed, the person or persons who made such election or nomination. Should such election or nomination be deemed not to have been confirmed, then the name of some other person may be transmitted in manner provided and pursuant to clauses 1 and 2 hereof.
5. When a person nominated or elected as bishop of a diocese which is not part of a province is to be consecrated outside Australia, confirmation as to canonical fitness shall be made as provided in clauses 1 and 2 hereof.

6. “Administrator” shall mean and include the person appointed by or under the constitution of the diocese to administer the affairs of the diocese during a vacancy in the see.

“Primate” shall have the same meaning as it has in section 74(1) of the Constitution.

7. When a bishop of such a diocese intends to resign he shall notify such intention and the date on which it is to take effect in writing to the Primate and the Administrator. On and after such date the see shall be deemed vacant.

8. Determination II, Session 1905 of the General Synod of the Dioceses of the Church of England in Australia and Tasmania as amended in so far as it relates to the confirmation of bishops shall cease to have any operation upon the passing of this canon.

9. This canon may be cited as the “Confirmation of Bishops of Extra-provincial Dioceses Canon, 1966”.

Canons 55
A canon to regulate the provision of information regarding the remuneration and emoluments of the bishop of a see

The General Synod prescribes as follows:

1. Whenever a see shall become or be declared to be vacant the Administrator shall within two months from such vacancy cause an investigation to be made of the assets which comprise the endowment of the see fund, and a report to be prepared concerning the same.

2. Such report shall include:
   (a) a balance sheet which sets out in detail the assets and liabilities of the fund together with income and expenditure accounts of the fund for each of the three years immediately preceding such vacancy, and such balance sheet and accounts shall be certified as correct by the auditor of the diocese;
   (b) a description of the condition of any property to be provided for the residence of the bishop and the outgoings in respect thereto;
   (c) any other matters which the investigator thinks should be included.

3. If the remuneration and emoluments of a bishop are not derived from or provided by an endowment fund and the see shall become or be declared to be vacant, the administrator shall cause a detailed statement to be prepared which shall set out:
   (a) the proposed remuneration and emoluments of the new bishop;
   (b) the source of the same;
   (c) the condition of any property to be provided for the residence of the bishop and the outgoings in respect to the same.

4. If the remuneration and emoluments of a bishop are derived partly from an endowment fund and partly from other sources and the see shall become or be declared to be vacant, the Administrator shall cause both an investigation and report and a statement to be prepared as set out in clauses 1 to 3 hereof.

5. The Administrator shall send a copy of any such report and statement so prepared as aforesaid to the person elected or appointed as bishop of such see and if such see is part of a province to the metropolitan of such province, and if such see is not part of a province to the Primate.
6. The bishop or bishops or the administrator or administrators of any diocese or dioceses out of which a new diocese is about to be formed shall prior to the circulation of a bill for a canon to ratify the formation of such a new diocese cause a statement to be prepared setting out the matters detailed in clauses 3 (a), (b) and (c) hereof.

7. A copy of such statement shall be sent by the person or persons responsible for its preparation to each of the following namely:

(a) to the synod council committee or persons authorised under section 48 of the Constitution to elect or appoint the first bishop of a new diocese,

(b) to any person elected or appointed as the said first bishop,

(c) to the metropolitan of the province wherein such new diocese is to be a part; and

(d) to the Primate where such new diocese is not to be part of a province.

8. The cost of the preparation of such last mentioned statement shall be part of the costs for the formation of the said new diocese.

9. When a bishop intends to resign he shall notify such intention and the date on which it is to take effect in writing to the metropolitan, or, where there is no metropolitan, to the Primate, and also to the administrator. On and after such date the see shall be deemed vacant.

10. For the purpose of this canon the words:
“declared vacant” shall mean that the see has been declared vacant under the provisions of Determination VI, Session 1891.

“Administrator” shall mean and include the person appointed by or under the constitution of the diocese to administer the affairs of the diocese during a vacancy in the see.

11. The provisions of this canon affect the order and good government of the church within a diocese.

12. Determination III, Session 1896, as amended and Determination VI, Session 1905, of the General Synod of the Dioceses of the Church of England in Australia and Tasmania shall cease to have any operation in any diocese on the passing of an ordinance by the synod of such diocese adopting this canon.

13. This canon may be cited as the “See Finance and Information Canon 1966”.

Canons 57
A Canon to provide for the alteration of the name of the Church to the Anglican Church of Australia

Whereas the Constitution of the Church of England in Australia by sections 66 and 67 provides that the name of this Church may be altered.

Now the General Synod prescribes as follows:

1. The Constitution is amended by deleting therefrom in sections 1, 64 and 74 the words “The Church of England in Australia” and inserting in lieu thereof the words “The Anglican Church of Australia”.

2. Standing Committee of this Synod is hereby authorised and directed after this canon shall have been assented to as prescribed by section 67 of the said Constitution to take such steps as may be necessary to obtain amendments to the several relevant acts of Parliament and to the ordinances made or to be made with respect to territories under the control of the Commonwealth of Australia.

3. This canon shall come into effect on a date to be declared by the Primate on the advice of the Standing Committee after the said amendments to the several Acts and Ordinances have been made and such date shall be notified in the Commonwealth and State Gazettes and by such other means as the Primate may be advised by the Standing Committee.

4. On and after the date when the canon shall come into effect wherever in any Canon Rule or Resolution of General Synod the words “Church of England in Australia” have been used they shall be deemed to be a reference to “The Anglican Church of Australia”.

5. This canon may be cited as “The Anglican Church of Australia Canon of 1966”.

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The Anglican Church of Australia
Canon of 1966

Canon 16, 1966
**Order of Deaconesses Canon 1969**

**Canon 7, 1969**

_A canon to regulate and promote the order of deaconesses_

Whereas Deaconesses have been licensed to perform pastoral and liturgical duties in parishes and in other fields of service recognised by the bishop or diocesan synod in many dioceses in this Church.

And whereas it is desirable to regulate and promote their ministry.

Now the General Synod prescribes as follows:

**Part I: Of The Order of Deaconesses**

1. The Order of Deaconesses is an order of ministry in the Church of England in Australia to which women are admitted by prayer and the laying on of hands of the bishop. The Order is not one of the historic threefold Orders of the Church of England in Australia.

**Part II: Of Admission to the Order of Deaconesses**

2. Every woman who, at the time of the coming into operation of this canon, has been admitted as a deaconess in any diocese by prayer and the laying on of hands of a bishop of this Church shall be deemed to be a deaconess within the meaning of this canon and every deaconess who has been or shall be admitted as a deaconess by prayer and the laying on of hands of a bishop of a church in full communion with this Church may be eligible for appointment as a deaconess in this Church.

3. Every woman admitted to the Order of Deaconesses shall be not less than twenty-three years of age, baptized, confirmed and a communicant of the Church of England in Australia.

4. Every woman who is to be admitted to the said Order shall first present to the bishop of the diocese:

   (a) a certificate signed by a person approved by the bishop that she has been nominated to exercise the office of deaconess within his diocese.

   (b) (i) her birth certificate or other evidence satisfactory to the bishop of the place and date of her birth.

   (ii) a certificate or other evidence of her baptism and confirmation.
Part II: Of the Examining of Candidates

(iii) the names and addresses of persons who are available to give evidence of her good life, of her conformity to the doctrine, discipline and worship of the Church of England in Australia, and of her fitness for the office of a deaconess.

(iv) a certificate signed by the officiating minister and one churchwarden of the church wherein she usually worships, that notice, in the form or to the effect of the form contained in the first schedule hereto was given in the said church at the same times as divine service on some Sunday at least one month before the day appointed for her admission to the said Order.

5. No woman shall be admitted to the said Order except she be found, on examination by the bishop or by competent persons appointed by him for this purpose, to possess a sufficient knowledge of Holy Scripture and of the doctrine, discipline and worship of the Church of England in Australia.

6. No woman shall be admitted to the said Order who is suffering or who has suffered from any physical or mental infirmity which, in the opinion of the bishop, will prevent her from exercising the office of a deaconess.

Part III: Of the Licensing of Deaconesses

7. No deaconess shall exercise her office in any diocese until she has been licensed so to do by the bishop thereof: Provided that when any Deaconess is to exercise her office temporarily in any diocese the written permission of the bishop shall suffice.

8. Every deaconess who is to be licensed to exercise her office in any diocese shall make and subscribe a declaration in the form set out in the second schedule hereto.

9. Every bishop, before licensing a deaconess to exercise her office in any place, shall satisfy himself that adequate provision has been made for her salary, for her insurance against sickness or accident, for her annual and long service leave and for her superannuation.

10. The bishop of every diocese shall keep a register book wherein shall be entered the names of every person whom he has either admitted to the Order of Deaconesses or licensed to exercise the office of a deaconess in the diocese.

Part IV: General

11. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force unless and until the diocese by ordinance adopts it.

12. This canon may be cited as the “Order of Deaconesses Canon 1969.”
FIRST SCHEDULE

NOTICE IS HEREBY GIVEN that .................................. of this parish intends to offer herself as a candidate for admission to the Order of deaconesses by the Bishop of ....................................... at a service to be held in .................. on the .................. day of .................... 19 ......

If any person knows any just cause or impediment for which the said .................................. ought not be admitted to the said Order, he is now to declare the same or signify the same forthwith to the bishop.

WE DO HEREBY CERTIFY that the above notice was publicly read in the Parish Church of .................................................. at ................... during the time of Divine Service on Sunday the .................. day of ...................., 19 ....., and to our knowledge no impediment has been alleged.

Witness our hands this ................ day of ...................... 19 ......

.................................
Officiating Minister

.................................
Churchwarden

SECOND SCHEDULE

DECLARATION

I, A.B., do solemnly declare that I will pay true and canonical obedience to the Bishop of ......................... and his successors.

(Signed)..................................


**General Synod Diocesan Boundary Ratification Canon 1973**

**Canon 10, 1973**

A canon to provide for the ratification of the surrender or alteration of the territory of a diocese

Whereas the Constitution of the Church of England in Australia provides that any surrender or alteration of the territory of a diocese shall not take effect until ratified by or under a canon of General Synod.

And whereas it is desirable to provide a means of ratifying such a surrender or alteration between meetings of General Synod.

Now therefore the General Synod prescribes as follows:

1. The Standing Committee of General Synod (hereinafter referred to as “the Committee”) is hereby empowered in pursuance of sub-section (3) of section 45 of the Constitution to ratify the surrender or alteration of the territory of a diocese in accordance with this canon.

2. Where the Committee has received in connection with a proposed surrender or alteration of the territory of a diocese, copies of the ordinances required under section 45 of the Constitution certified by the secretaries of the synods concerned, it may by resolution, ratify the surrender or alteration as from a date specified in the resolution.

3. This canon does not prevent -
   
   (a) the Committee from deciding in any case that the diocese concerned should bring the matter to General Synod by way of canon; or
   
   (b) a proposed surrender or alteration of the territory of a diocese or dioceses being dealt with directly by General Synod by way of canon.

4. This canon may be cited as “General Synod Diocesan Boundary Ratification Canon 1973”.

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62  The Constitution Canons and Rules of General Synod 2010
A canon for admission to holy communion

Whereas it is desirable that this Church should make due provision to welcome Christians from other churches at the Holy Communion

Now therefore the General Synod prescribes as follows:-

1. A person is eligible to be admitted to the Holy Communion
   (a) if he is a member of this Church who has been confirmed or is ready and desires to be confirmed or if he is a communicant of a church in full communion with this Church or
   (b) if he
      (i) has been baptised in the name of the Holy Trinity and
      (ii) is a communicant member of another church which professes the Apostolic faith or
   (c) if he has been baptised and is included in a class of persons authorised by a rule of General Synod to be admitted to the Holy Communion; or
   (d) if he has been baptised and is in immediate danger of death.

2. Where a priest ordinarily responsible for a congregation becomes aware that a person who is a customary member of the congregation and is eligible to be admitted to the Holy Communion by virtue of paragraph (b) of section 1 hereof, has regularly received the Holy Communion in this Church over a long period which appears likely to continue indefinitely, the priest shall bring to the notice of the person the ordinary requirements of this Church for persons desiring to be admitted regularly to the Holy Communion and ask him to comply with these requirements.

3. Where any clergyman is in doubt as to the application of this canon he may refer the matter to the bishop of the diocese for his guidance thereon.

4. The canon affects the order and good government of the church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said Canon.

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8 See Rule XXIII re: members of the Lutheran Church of Australia
5. This canon may be cited as “Admission to Holy Communion Canon 1973”.

Resolution 74/85, passed on 31 August 1985 at the Seventh General Synod, is printed below to offer further clarification of the application of the Admission to Holy Communion Canon 1973.

RECEPTION OF HOLY COMMUNION IN OTHER CHURCHES
BY ANGLICANS

General Synod Resolution 74/85

That General Synod assures communicant members of this Church who are invited to receive the Holy Communion in other Churches which profess the Apostolic Faith, including those without an episcopally ordained ministry, that they may receive the Holy Communion in good conscience and without fracturing their membership of the Anglican Church of Australia on occasions of the following kind:

- when isolated from the ministrations of this Church;
- when invited to be present for family, personal and professional reasons, and
- on other occasions permitted by the Ordinary.


** AUSTRALIAN PRAYER BOOK**

**CANON 1977**

**Canon 1, 1977**

* A canon to authorise the use of “An Australian Prayer Book”, and for related purposes

The General Synod prescribes as follows:

1. This canon may be cited as the Australian Prayer Book Canon 1977.

2. In this canon, unless the contrary intention appears - “Australian Prayer Book” means the prayer book prepared by the Liturgical Commission under the name “An Australian Prayer Book” and amended and approved by Synod; “Book of Common Prayer” has the same meaning as in the Constitution; “Constitution” means the Constitution of the Church of England in Australia; “this Church” means the Church of England in Australia.

3. (1) The use of the Australian Prayer Book by this Church is hereby authorised.

   (2) The admission of persons to an office of bishop, priest or deacon in this Church in accordance with the appropriate form in the Ordinal included in the Australian Prayer Book is hereby authorised.

   (3) Nothing in sub-section (1) or (2) or section 4 affects:

      (a) the use of the Book of Common Prayer in accordance with the provisions of the Constitution;

      or

      (b) the admission of a person to an office of bishop, priest or deacon in this Church as if this canon had not been made.

4. The synod of a diocese may, by ordinance, regulate the use of the Australian Prayer Book at services held in the diocese.

5. (1) Subject to this section, the bishop of a diocese may, upon request being submitted to him, authorise deviations from the Australian Prayer Book.

   (2) The procedures set out in the second and third provisos to section 4 of the Constitution apply to and in relation to the submission of requests to the bishop of a diocese under sub-section (1) in like manner as they apply to and in relation to the submission of requests for deviations from the Book of Common Prayer.
(3) Nothing in this section permits a deviation contravening a principle of doctrine or worship referred to in section 4 of the Constitution.

6. A person made deacon, ordained priest or consecrated bishop in the Church of England in Australia in accordance with a form in the Ordinal contained in the Australian Prayer Book is, for the purposes of the application of Articles 36 of the Articles of Religion, sometimes called the 39 Articles, rightly, orderly and lawfully made, ordained or consecrated, as the case may be.
MISSIONARY DIOCESES CANON 1977

Canon 4, 1977 as amended by
Canon 10, 1985
Canon 11, 1995

A canon to provide for the formation and administration of missionary dioceses

The General Synod prescribes as follows:

1. In this canon unless the context otherwise requires -
   “Constitution” means the Constitution of The Anglican Church of Australia;
   “Missionary Diocese” includes the dioceses of Carpentaria and Northern Territory as existing from time to time and by whatever name called;
   “Standing Committee” means the Standing Committee of General Synod.

2. The following provisions shall be deemed incorporated in the constitution of any new missionary diocese unless inconsistent with the initiating canon or the constitution in its schedule but the provisions shall not by reason of this section be deemed incorporated in the constitution of any existing missionary diocese.

   (i) The first bishop shall be elected by a meeting of the members of the House of Bishops.

   (ii) A budget of anticipated receipts and expenditure of the missionary diocese for the ensuing two years shall be prepared by its council and submitted annually to the Standing Committee for approval.

   (iii) An annual statement of income and expenditure and balance sheet shall be forwarded by the diocese to the Standing Committee.

   (iv) The constitution of any new missionary diocese shall not be altered until a resolution approving such alteration has been passed by Standing Committee of General Synod.

4. Subject to sub-section (viii) hereof whenever the office of bishop of a missionary diocese shall become vacant, a bishop shall be elected in the manner provided in this section.

   (ii) For the purposes of the election there shall be a board of electors comprising:

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9 Pursuant to Canon 11, 1995, Section 1(3) the Principal Canon shall be known as the “Missionary Dioceses Canon 1977-1995”
10 Replaced by Canon 11, 1995.
12 Sub-section 4(ii) replaced by Canon 10, 1985
(a) The Metropolitan of the province of which the missionary diocese is a part or a diocesan bishop nominated by that Metropolitan or if the missionary diocese is not part of a province the Primate or a diocesan bishop nominated by the Primate.

(b) Four clergy and four lay members elected by the synod of the missionary diocese or if it has no synod by its diocesan council.

(iii) Whenever the office of bishop of a missionary diocese shall become vacant or is proposed to be vacated the Primate shall within one month of such vacancy occurring or of receipt by the Primate of the proposal summon the board to meet not earlier than one month nor later than two months after the issuing of the summons at a place nominated by the Primate for the purpose of electing a new bishop of the missionary diocese. At every meeting of the board the member pursuant to paragraph (a) of the previous sub-section shall be the chairman.

(iv) A meeting of the board shall not proceed to an election unless at least two-thirds of its members including the chairman are present. A person shall not be deemed elected unless he receives the votes of at least two-thirds of the members of the board.

(v) If no person should obtain such majority the meeting shall be adjourned until such time as the meeting shall determine. The board shall subject to this canon have power to regulate its own proceedings and to decide all matters relating to the election and shall have power to provide that after the first meeting if there be no person elected further consideration to the question may take place through the chairman by correspondence and voting may take place in writing addressed to the chairman.

(vi) The cost of and incidental to the first meeting of the board in any election shall be borne in equal shares by General Synod and by the missionary diocese concerned.

(vii) The provisions of this section shall not apply to the Diocese of Carpentaria.

5. Each diocese other than missionary dioceses shall contribute to the General Synod an assessment which assessment is to provide for such of the costs of the remuneration, travelling and the providing of residential accommodation of a bishop of a missionary diocese and any incidental costs of running such diocese as is determined in each case by General Synod on the recommendation of the Standing Committee. The method of payment of the assessment shall be determined by General Synod.

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13 Sub-section 4(iii) amended by Canon 10, 1985
14 Sub-section 4(iv) replaced by Canon 10, 1985
15 Sub-section 4(v) amended by Canon 10, 1985
16 Sub-section repealed by Canon 10, 1985
6. A missionary diocese is not required to pay the fixed assessments of General Synod unless General Synod otherwise determines by Rule.

7. Where a Missionary Diocese has a synod such diocese may apply to General Synod to terminate its status as a Missionary Diocese. General Synod may on such application or on the recommendation of Standing Committee by resolution or by canon terminate the status of a diocese as a Missionary Diocese.

8. Section 8 of the Diocese of the Northern Territory Diocesan Council Canon 1966 is repealed.

9. This canon may be cited as the “Missionary Dioceses Canon 1977.”

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17 Amended by Canon 11, 1995.
18 Replaced by Canon 11, 1995.
Ministry to The Sick Canon 1981

Canon 5, 1981

A canon to authorise the use of certain forms of service for ministry to the sick

The General Synod prescribes as follows:

1. This canon may be cited as “the Ministry to the Sick Canon 1981”.

2. The use by this Church of the forms of service for Ministry to the Sick set out in the Schedule hereto, in accordance with the rubrics incorporated therein, is hereby authorised.

3. The synod of a diocese may by ordinance regulate the use in the diocese of the forms of service set out in the Schedule hereto.

4. (1) Subject to this section, the bishop of a diocese may, upon request being submitted to him, authorise deviations from the forms of service set out in the Schedule hereto.

   (2) The procedures set out in the second and third provisos to Section 4 of the Constitution apply to and in relation to the submission of requests to the bishop of a diocese under sub-section (1) in like manner as they apply to and in relation to the submission of requests for deviations from the Book of Common Prayer.

   (3) Nothing in this section permits a deviation contravening a principle of doctrine or worship referred to in Section 4 of the Constitution.

5. A minister of this Church is not bound hereby to lay hands on or anoint the sick.

6. This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

SCHEDULE

Form of Service for the Anointing of the Sick and Laying on of Hands

NOTES

1. It is desirable that the priest be notified of the illness of any member of the congregation.

2. The forms provided here are to be used for those who desire this ministry and have received such instruction as their condition permits. The forms may be used at home,
or in hospital, or wherever the sick person is being cared for. The forms may also be used within a service of public worship in church.

3. The minister shall be a priest or in case of necessity one deputed by him.

4. The prayers “for healing” or “for a sick child” (An Australian Prayer Book pages 570-575) may also be used.

‡ 1 The minister may say

The peace of the Lord be with you.

And also with you.

2a The minister may use readings from the Ministration to the Sick (An Australian Prayer Book pages 569-570).

b When anointing is desired he shall read

In the Letter of James we read: Is any among you sick? Let him call for the elders of the church, and let them pray over him, anointing him with oil in the name of the Lord; and the prayer of faith will save the sick man, and the Lord will raise him up; and if he has committed sins, he will be forgiven. Therefore confess your sins one to another, and pray for one another, that you may be healed. James 5:14-16a

c When laying on of hands is desired, he shall read this or some other suitable verses from the Bible.

Now when the sun was setting, all those who had any that were sick with various diseases brought them to Jesus; and he laid his hands on every one of them and healed them. Luke 4:40

This is the word of the Lord.

Thanks be to God.

‡ 3 The minister may ask the sick person

Do you ask for this ministry?

I do.

4 Unless it has already been said, a suitable form of confession should be used here. This may be in the sick person’s own words, or the following form:

Merciful God, my maker and my judge,
I have sinned against you in thought, word and deed:
I have not loved you with my whole heart;
I have not loved my neighbour as myself;
I repent, and am sorry for all my sins.
Father, forgive me.
Strengthen me to love and obey you in newness of life;
through Jesus Christ our Lord. Amen.

Or this

Lord and heavenly Father,
I confess that I have sinned in thought, word, and deed through my own fault; and especially I have sinned in this way ...
For these sins I am truly sorry and firmly purpose to amend my life.
I ask your forgiveness,
for Jesus’ sake. Amen.

The priest announces the Absolution, either in the following form.

Almighty God,
who has promised forgiveness to all who turn to him in faith,
pardon you and set you free from all your sins, and strengthen you to do his will,
and keep you in eternal life;
through Jesus Christ our Lord. Amen.

Or this

Our Lord Jesus Christ, who has left power to his Church to absolve all sinners who truly repent and believe in him, of his great mercy forgive you your offences: and by his authority committed to me I absolve you from all your sins, in the name of the Father, and of the Son, and of the Holy Spirit. Amen

or the minister may say this word of assurance

If anyone sins, we have an advocate with the Father, Jesus Christ the righteous; and he is the perfect offering for our sins, and not of ours only but also for the sins of the whole world. 1 John 2:1, 2

If the anointing of the sick is not to be administered, the service continues with the laying on of hands at #9.
The minister says

Almighty God, your apostle James encouraged the sick to call for the elders of the Church, that they might pray over them and anoint them with oil; be pleased to use this oil for your purpose. Grant that he who is anointed with it may be strengthened by your Holy Spirit, healed and restored, through Jesus Christ our Lord. Amen.

The minister anoints the sick person, saying

N., I anoint you in the name of the Lord Jesus. Amen.
or

N., In the faith of Jesus Christ, I anoint you in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

If the laying on of hands is not to be administered, the service continues with the prayer at #10.

Those present may join in the laying on of hands with the minister, saying

N., We lay our hands on you, in the name of Jesus Christ our Saviour. Amen.

The minister says

Almighty God, giver of life and health, grant you release from pain, refreshment of spirit, and wholeness in body and mind. Amen.

A time of silent prayer now follows, after which the Lord’s Prayer may be said.

Our father in heaven,

hallowed be your Name,
your kingdom come,
your will be done
on earth as in heaven.
Give us today our daily bread.
Forgive us our sins
as we forgive those who sin against us.
Lead us not into temptation,
but deliver us from evil.
For the kingdom, the power, and the glory are yours
now and for ever. Amen.
‡ 11 The person who has been anointed or has received the laying on of hands may return thanks using his own words, or the following prayer

   Lord Jesus, your love never fails. Thank you for this assurance that your hands are stretched out to me, to forgive, to strengthen, and to heal. Amen.

or

   Thanks be to God.

This Thanksgiving is also appropriate.

   Most merciful Father, we humbly thank you
   for all your gifts so freely bestowed upon us.
   For life and health and safety,
   for power to work and leisure to rest,
   and for all that is beautiful in creation and in the lives of men,
   we praise and glorify your holy Name.
   But, above all, we thank you
   for the means of grace,
   and for the hope of glory.
   Fill our hearts with all joy and peace in believing;
   through Jesus Christ our Lord. Amen.

(12) The minister says

   The almighty God, who is a most strong tower to all that put their trust in him, and to whom all things in heaven and earth do bow and obey; be now and always your defence, and make you know and feel that there is no other name under heaven given to man, in whom and through whom you may receive health and salvation, but only the Name of our Lord Jesus Christ. Amen.

(Note: In the official copy, the rubrics are printed red)
**Appellate Tribunal Canon 1981**

*Canon 12, 1981* as amended by

- *Canon 17, 1981*
- *Canon 1, 1992*
- *Canon 3, 1998*
- *Canon 5, 2010*

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”.
2. The Appellate Tribunal Canon 1962 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;
   (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.
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,
   (d) ceases to reside permanently in Australia,
   (e) 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.

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19 Pursuant to Canon 3, 1998, Section 1(2) the Canon as amended may be cited as the “Appellate Tribunal Canon 1981-1998”.
4A. 20 (1) If the seat of any member of the tribunal is or becomes vacant while Synod is in session then the members of the house which nominated the member whose seat on the tribunal has become vacant shall at that session nominate a person to fill the vacancy.

(2) Any rule relating to the election of a person to any office by the house concerned shall apply mutatis mutandis to the nomination of a person pursuant to this section.

(3) A person nominated to fill a vacancy in accordance with this section shall by virtue of this canon become a member of the tribunal.

4AB 21 (1) Despite sections 4 and 4A, if—

(a) the seat of a member (the retiring member) of the Appellate Tribunal is to be vacated under section 4 because the retiring member—

(i) attains the age of 69 years before the commencement of the next ordinary session of Synod; or

(ii) being a bishop, ceases to be a diocesan bishop when section 6 does not apply; and

(b) that retiring member is not otherwise disqualified from membership of the Appellate Tribunal; and

(c) the retiring member is participating in the disposition of an appeal, question or matter (to an extent greater than participating in directions hearings or other procedural steps) made or referred to the Appellate Tribunal (the continuing matter); and

(d) the continuing matter has not been finally concluded before the seat of the retiring member is to be vacated—

the retiring member remains a member of the Appellate Tribunal for purposes only of participating in and concluding the continuing matter.

(2) Despite sub-section (1), if a retiring member remains a member of the Appellate Tribunal for the purposes of participating in and concluding a continuing matter, the seat of the retiring member is deemed to be vacated on the date provided under section 4 for the purpose of filling the retiring member’s seat as a member of the Appellate Tribunal.

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20 Added by Canon 1, 1992.
21 Added by Canon 5, 2010.
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 nominated the member 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. 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 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 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 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 the 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.

10. The following courts are specified for the purpose of section 57 of the Constitution:

   - The Federal Court of Australia
   - The Family Court of Australia
   - The Family Court of Western Australia
   - The District Court or County Court of any State of Australia.

22 Added by Canon 3, 1998.
SCHEDULE 23

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

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

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

NOTE
The following changes in the membership of the Appellate Tribunal have occurred since 1981 -

First Part [Nominated by House of Bishops]
1985 The Archbishop of Sydney, the Most Reverend D. W. B. Robinson, was appointed in the place of the Right Reverend C. A. Warren.

1992 The Archbishop of Adelaide, the Most Reverend I. G. C. George, was appointed in the place of the Most Reverend D. W. B. Robinson.

2004 The Archbishop of Brisbane, the Most Reverend P. J. Aspinall, was appointed in the place of the Right Reverend I. G. C. George.

2004 Mr Maxwell Horton, OAM was appointed in the place of the Honourable Mr Justice K. R. Handley.

Second Part [Nominated by House of Clergy]
1992 The Bishop of Bathurst, the Right Reverend B. W. Wilson, was appointed in the place of the Most Reverend K. Rayner.

23 Schedule added by Canon 17, 1981.
1995  Mr D. J. Bleby, Q.C., was appointed in the place of Mr Justice Cox.

2001  The Bishop of Armidale, the Right Reverend P. Brain, was appointed in the place of the Right Reverend B. W. Wilson.

Third Part [Nominated by House of Laity]

1992  The Bishop of Armidale, the Right Reverend P. Chiswell, was appointed in the place of the Right Reverend A. C. Holland.

2000  The Bishop of North West Australia, the Right Reverend A. H. Nichols, was appointed in the place of the Right Reverend P. Chiswell.

2003  The Bishop of Newcastle, the Right Reverend R. A. Herft, was appointed in the place of the Right Reverend A. H. Nicholls.

2004  The Honourable Mr Justice K. Mason was appointed in the place of the Honourable Mr Justice R. C. Tadgell.
Reception Canon 1981

Canon 1, 1985\textsuperscript{24} as amended by
Canon 14, 1995

A canon to authorise the use of a service for the reception into communicant membership of this Church of baptised persons who were formerly communicant members of other churches

The General Synod prescribes as follows:

1. This canon may be cited as the “Reception Canon 1981”.

2. When a person who has been baptised and who is or was a communicant member of another church which holds the apostolic faith but which is not in full communion with this Church desires to become a communicant member of this Church, the priest, being assured that such is his desire, shall after due preparation present that person to the bishop at the time of confirmation or some other time. The bishop may receive and welcome him into communicant membership of this Church, laying hands on him with prayer for the strengthening of the Holy Spirit, using the form of service set out in the schedule to this canon, or in some other form of service authorised for use in this church by canon, in accordance with the rubrics incorporated therein.

3. A person received into communicant membership in accordance with this canon shall have the same status in this Church as a person who has been confirmed in accordance with the rites of this Church.

4. The reception of a person into communicant membership in accordance with this canon shall be recorded in the registers of this Church.

5. This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

\textsuperscript{24} This canon was passed provisionally as Canon 4(P), 1981.
\textsuperscript{25} Amended by Canon 14, 1995.
SCHEDULE

Reception into Communicant Membership of the Anglican Church of Australia of Baptised and Communicant Members of other Churches

NOTES

1. When a person who has been a communicant member of another church which holds the apostolic faith desires to become a communicant member of this church, the priest, being assured that such is his desire, shall present that person to the bishop at the time of confirmation or at some other time. At a confirmation from An Australian Prayer Book, this service should follow #7 on page 514 or #13 on page 538. Alternatively, it may occur before the intercessions at Morning or Evening Prayer or at the Holy Communion.

2. The bishop may receive and welcome him into communicant membership of this Church, laying hands on him with prayer for the strengthening of the Holy Spirit, using this form of service. A person so received into communicant membership shall have the same status in this Church as a person who has been confirmed in accordance with the rites of this Church.

3. Such reception shall be recorded in the registers of the church.

1 The priest presents the one to be received to the bishop saying

N., has already been baptised and has formerly been a communicant member of the .... Church. He now asks to be received into communicant membership of the Anglican Church of Australia and seeks our prayers in the fellowship of this parish.

2 The bishop says

The Lord be with you.

And also with you.

Let us pray

God of wisdom and love,

source of all good,

by your Holy Spirit strengthen your servant

and guide him in your way of peace and love.

We ask this through our Lord Jesus Christ your Son,

who lives and reigns with you and the Holy Spirit.

one God, for ever and ever. Amen.
‡ 3  Then Psalm 133 may be said or sung.
‡ 4  Ephesians 4: 1-13 may be read.
5  The bishop says to the candidate

   Do you stand by the Christian confession and commitment made at your baptism?

    I do.

   Do you desire to be admitted into communicant membership of the Anglican Church of Australia and accept her doctrine and order?

    I do.

6  The bishop welcomes the person in these words taking him by the hand.

   We recognise you as a baptised and communicant member of the Christian Church.

   We receive and welcome you into the communion of the Anglican Church.

   He then kneels and the bishop lays his hands on his head saying

   N., May the Holy Spirit direct and uphold you in the service of Christ and His kingdom in the fellowship of this Church.
A canon for the admission of children to Holy Communion

The General Synod prescribes as follows:

1. This canon may be cited as the “Canon for the admission of children to Holy Communion”.

2. A child who has been baptised but who has not been confirmed, is eligible to be admitted to the Holy Communion if the minister is satisfied that the child has been adequately instructed, gives evidence of appropriate understanding of the nature and meaning of the Holy Communion and has fulfilled the conditions of repentance and faith; and if the child, with the sponsorship of his or her parents or of other confirmed members of the congregation, seeks such admission while awaiting confirmation.

3. (1) The bishop of the diocese may make regulations, not inconsistent with ordinances (if any) made under subsection (2), concerning the practice and procedure in relation to the admission of children to the Holy Communion under this canon.

   (2) The synod of the diocese may, by ordinance, regulate the practice and procedure in relation to the admission of children to the Holy Communion under this canon.

4. This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

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26 This canon was passed provisionally as Canon 14(P), 1981.
MARriage OF DiVORCED PeRSONs CaNON 1981

Canon 7, 1985

A canon to regulate the practice and procedure of this church with respect to the marriage of divorced persons

The General Synod prescribes as follows:

1. This canon may be cited as the “Marriage of Divorced Persons Canon 1981”.

2. In this canon “divorced person” means a person who was a party to a marriage which has been dissolved in accordance with law.

3. (1) The marriage of a divorced person shall not be solemnised according to the rites and ceremonies of this Church or by a minister of this Church during the life of the person’s former spouse unless, upon application made by the proposed celebrant, the bishop of the diocese in which the marriage is to be solemnised has consented to the solemnisation of the marriage.

   (2) Where the consent of a bishop is given under sub-section (1), the bishop shall cause notice of the consent to be furnished in writing to the proposed celebrant.

   (3) The bishop of a diocese shall not consent to the solemnisation of a marriage pursuant to sub-section (1) unless either

      (a) at least one of the persons proposed to be married ordinarily resides in his diocese, or

      (b) the bishop of the diocese in which one of the persons proposed to be married ordinarily resides has given his consent to the solemnisation of the marriage.

4. Consent shall not be given by a bishop under this canon unless the bishop and the proposed celebrant are satisfied that the marriage of the divorced person would not contravene the teachings of Holy Scripture or the doctrines and principles of this Church.

5. (1) The bishop of a diocese may make regulations, not inconsistent with ordinances (if any) made under sub-section (2) concerning the practice and procedure in relation to applications under this canon for his consent to the solemnisation of the marriage of a divorced person.

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27 This canon was passed provisionally as Canon 13(P), 1981.
(2) The synod of a diocese may, by ordinance, regulate the practice and procedure in relation to applications under this canon for obtaining the consent of the bishop of the diocese to the solemnisation of the marriage of a divorced person.

6. A minister of this Church may refuse to solemnise the marriage of any divorced person during the life of the person’s former spouse.

7. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts it.
National Home Mission Fund
Canon 1985

Canon 8, 1985

A canon to provide for the National Home Mission Fund and for other purposes

The General Synod prescribes as follows:

1. This canon may be cited as the “National Home Mission Fund Canon 1985”.

2. The National Home Mission Fund of the Anglican Church of Australia established by resolution of the Synod Number 15 of 1969 continues in existence under and subject to this canon and is in this canon referred to as the “National Fund”.

3. The purpose of the National Fund shall be -

the promotion of the mission of the Church throughout Australia, and particularly in those dioceses which because of remoteness, lack of resources, missionary opportunities or new development are in need of external assistance.

4. The National Fund shall be under the management and control of a committee named “The National Home Mission Fund Committee” and in this canon referred to as “the committee” which shall consist of -

(a) a chairman appointed by the Primate after consultation with the Standing Committee;

(b) four members appointed by the Primate after consultation with the Standing Committee; and

(c) the diocesan bishops of the dioceses which are from time to time for the time being receiving financial assistance from the National Fund.

5. Subject to this canon a member of the committee holds office until the second meeting of the Standing Committee after the ordinary meeting of the General Synod next following the member’s appointment and if eligible may be re-appointed. In addition, a vacancy in the office of a member of the committee will occur if the members

(a) dies,

(b) resigns,

(c) attains the age of seventy years,

(d) is declared by any competent court incapable of managing his affairs,
(e) is convicted of any offence punishable by imprisonment for not less than twelve months, or

(f) ceases to be a communicant member of this Church.

A casual vacancy in the office of a member shall be filled by the Primate after consultation with the Standing Committee or, in the case of a member appointed pursuant to Clause 7, by the committee.

6. Five members of the committee shall constitute a quorum.

7. The committee may appoint a secretary and a treasurer either from its own membership or in addition to its original membership. An appointee who is in addition to the original membership shall have full rights as a member of the committee.

8. The committee’s financial year shall commence on the first day of January in each year and the committee shall meet at least once in each financial year. The accounts of the National Home Mission Fund shall be audited annually.

9. The committee may from time to time delegate specific areas of its work to an executive committee consisting of the chairman, the secretary and two other members of the committee and may revoke any such delegation.

10. The functions of the committee shall include -

(a) to raise contributions for the purposes of the National Fund;

(b) to determine priorities in meeting requests of dioceses for funds for particular needs;

(c) to promote the establishment in such manner as it sees fit of a corporate trustee for the purpose of holding funds entrusted to it whether for the purpose of the National Fund or otherwise and pending the establishment of such a trustee to appoint a trustee of, or itself to hold as trustee, such funds;

(d) to invest the National Fund in such manner as the committee shall from time to time determine;

(e) to report fully to each ordinary session of General Synod and annually to the Standing Committee on its activities and on the financial state of the National Fund and of such other funds as are under its management and control.

11. The committee shall have power to appoint such staff as may be necessary.

12. The committee shall be responsible for the management and control of the National Home Mission Disaster Fund and the National Home Mission Aboriginal Education Fund in accordance with guidelines approved from time to time by the Standing Committee.
Primate Canon, 1985

Canon 15, 1985 as amended by
Canon 2, 1992
Canon 7, 2001
Canon 08, 2004
Canon 01, 2007

A canon to provide for the election and tenure of office of the Primate

The General Synod prescribes as follows:

Preliminary

1. This canon may be cited as the “Primate Canon 1985”.

2. In this canon, unless the context otherwise requires:

   “Acting Primate” means the metropolitan or bishop by whom the authorities powers rights and duties of the Primate are, under Section 10 of the Constitution, being for the time being exercised;

   “Board” means the Board of Electors constituted under this canon;

   “complaint” means a complaint against an eligible bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be prescribed by Canon;

   “Director” means the Director of the Episcopal Standards Commission appointed under Part 3 of the Special Tribunal Canon 2007 or holding office because of Part 9 of that Canon;

   “eligible bishop” means a diocesan bishop who is eligible for election to the office of Primate in accordance with the provisions of this Canon;

   “House of Bishops” has the meaning attributed to it by section 16 of the Constitution;

   “information” means information of whatever nature and from whatever source relating to the alleged misconduct or omission of an eligible bishop wherever and whenever occurring;

   “member of the clergy” means a person who is or who is eligible to be a member of the House of Clergy;

28 Amended by Canon 08, 2004
29 Amended by addition of definitions by Canon 01, 2007
“member of the laity” means a person who is or who is eligible to be a member of the House of Laity;

“Month” means calendar month;

“National Register” means the National Register kept pursuant to the National Register Canon 2007.

“Primate” does not include the Acting Primate;

3. 30 (1) A summons issued pursuant to this canon shall be in writing, bear the date upon which it is issued and be signed by the person authorised by or under this canon to issue the summons or by a person authorised by him in writing so to do and shall be deemed to be duly served on a member of the Board if a copy thereof is –

(a) given to the member personally; or

(b) (i) left at, or

(ii) sent by post in a properly prepaid wrapper or envelope addressed to the member at,

the address of the member last known to the person who signs the summons.

(2) A summons of which a copy is so left shall be deemed to be served on the member at whose address it is left on the day following the day upon which it is so left.

(3) A summons of which a copy is so sent by post shall be deemed to be served on the member to whom it is addressed on the seventh day following the day upon which it is sent.

(4) The accidental omission to serve a summons under this canon upon, or the non-receipt of such a summons by, any person and the accidental service of such a summons outside the time limits prescribed by this canon shall not invalidate the meeting to which the summons relates or the proceedings at the meeting.

The Board of Electors

4. 31 There shall be a Board of Electors which shall consist of:

(a) all members of the House of Bishops,

(b) twelve members of the clergy, and

(c) twelve members of the laity.

30 Sub-section (1)(b) amended by Canon 01, 2007
31 Sub-sections (a), (b) and (c) amended by Canon 01, 2007 (Sub-sections (b) and (c) were previously amended by Canon 7, 2001)
5.32 (1) At each ordinary session of the Synod -
   (a) the House of Clergy shall elect sixteen members of the clergy to a Panel of Electors, and
   (b) the House of Laity shall elect sixteen members of the laity to a Panel of Electors.

(2) Where the number of members of the clergy or of the laity nominated for election to the Panel does not exceed twelve the President shall declare the persons so nominated duly elected.

(3) Where the number of members of the clergy or members of the laity nominated for election exceeds twelve there shall be a ballot in the appropriate house in which each member of the House of Clergy or House of Laity who votes shall mark a cross opposite the name of each candidate for whom the member desires to vote provided that a voter shall vote for not more than twelve candidates.

(4) In the case of each house the candidate for whom the greatest number of votes is cast shall be the first elected, the candidate for whom the second greatest number of votes is cast shall be the second elected, and so on. In the case of two or more candidates receiving an equality of votes the order in which such candidates shall be deemed to be elected shall be determined by lot.

(5) Subject to this section each election for members of the Panel of Electors shall be conducted in accordance with the rules for the conduct of elections ordered to be made by the General Synod.

(6) Upon the occurrence of any vacancy in the membership of the Panel of Electors however caused the Standing Committee of General Synod shall elect a member of the clergy or member of the laity as the case requires to fill that vacancy.

6. Subject to Section 8, the first twelve clerical candidates elected to the Panel of Electors and the first twelve lay candidates elected to the Panel of Electors shall be members of the Board of Electors.

7.33 A person who is an elected member of the Board or of the Panel of Electors shall cease to hold office if -
   (a) the person ceases to be a member of the clergy or member of the laity; of which the person was at the time of election,
   (b) the person resigns by writing under hand received by the General Secretary of the Synod,

32 Sub-sections (1), (2), (3) and (6) amended by Canon 01, 2007
33 Sub-section (a) amended by Canon 01, 2007
(c) the person while a member of the Board or of the Panel is convicted of any
offence punishable by imprisonment for not less than twelve months; or

(d) in the opinion of the Primate or of the Acting Primate the person has become
incapable of acting as a member of the Board by reason of the person's physical
or mental condition and the Primate or Acting Primate gives to the General
Secretary written notice of that opinion.

8. (1) Upon the occurrence of any vacancy in the office of an elected clerical or lay
member of the Board before the Board has met the General Secretary shall
ascertain so far as is necessary, and in the order of their election, from each
clerical or lay member (as the case requires) of the Panel of Electors who is
not a member of the Board whether that member is ready willing and able
to become a member of the Board and, if a meeting of the Board has been
convened, to attend that meeting. If that member of the Panel of Electors
is ready willing and able as aforesaid the member shall forthwith become
a member of the Board and shall where a meeting of the Board has been
convened be forthwith summoned by the General Secretary to that meeting
and the General Secretary shall report the circumstances and his action to the
Primate or Acting Primate.

(2) If, following the procedure prescribed in sub-section (1), a vacancy continues
to exist in the seat of an elected member of the Board and the Board has not
then met that vacancy shall be filled by a duly qualified person elected by the
Standing Committee of General Synod.

(3) For the purposes of this section a vacancy in the seat of an elected member of
the Board shall be deemed to have occurred if an elected member informs the
General Secretary, after the member has been summoned to a meeting of the
Board, that the member will be unable to attend the meeting and the member
shall thereupon be deemed to have been elected to the Panel of Electors at the
head of those who, following the filling of that vacancy, are members of the
Panel of Electors but are not members of the Board.

Eligibility and Term of Office

8A. 34 (1) Unless subsection (2) applies, the term of office of a person elected to the office
of Primate is six years,

(2) If a person who holds, or who was the last person to hold, the office of Primate
is again elected to hold that office, the term of office is three years,

34 Previous Section 9 deleted, new heading and Sections 8A and 9 added by Canon 01, 2007
(3) A person who has held office after election for two successive terms may not again hold the office of Primate until that person's successor has ceased to hold office.

(4) A person ceases to be an eligible bishop upon attaining the age of 70 years.

9.\textsuperscript{35} A person who holds the office of Primate shall cease to hold that office upon –

(a) termination of the period for which the person has been elected;

(b) resigning by notice in writing given to the Senior Metropolitan (other than the Primate) at the time in Australia, seniority being determined by date of consecration;

(c) the Synod by resolution declaring the office to be vacant;

(d) ceasing to be an eligible bishop;

(e) attaining the age of 70 years.

Procedure on Vacancy\textsuperscript{36}

10. (1) When the office of Primate is due to become vacant on a date that is known in advance the Primate shall cause to be convened by summons a meeting of the Board to be held not less than 3 months but not more than 9 months before the office is due to become vacant.

(2) Where it is not possible to convene by summons a meeting of the Board within the time specified in subsection (1) or where a vacancy in the office of Primate occurs without notice the Primate or, if the office has become vacant, the Acting Primate shall cause to be convened a meeting of the Board to be held as soon as possible.

(3) The summons shall be served within fourteen days of the issue of the summons upon all persons who at the time of issue of the summons are members of the Board and on the Director and shall specify the date, time and place at which the meeting will take place.

(4) The date specified in the summons shall be a date not earlier than one month after the summons is served or is deemed to have been served on all persons who are at the time of issue of the summons members of the Board.

(5) If a person becomes a member of the Board after the issue of a summons in accordance with this section the Primate or Acting Primate as the case may be shall thereupon issue and cause to be served upon that person as soon as is practicable a summons to attend the relevant meeting.

\textsuperscript{35} Previous Section 9 deleted, new heading and Sections 8A and 9 added by Canon 01, 2007

\textsuperscript{36} Heading and Section 10 replaced by Canon 01, 2007. A person elected to the office of Primate in accordance with the procedure in section 10(1) holds office only from the date the office becomes vacant and until that time is Primate Elect. (See Primate Canon Amendment Canon 2007, section 12(5))
(6) A summons may be issued and served under this Canon and the Board may elect an eligible bishop to the office of Primate notwithstanding that a see is vacant.

(7) If in the opinion of the Standing Committee of General Synod the Primate or the Acting Primate as the case may be fails or omits to issue a summons or to cause a summons to be served in accordance with this section the Standing Committee may direct the General Secretary of the Synod to issue and to cause to be served a summons for the Board to meet at such dates, times and places as the Standing Committee having regard to the requirements of this section deems appropriate.

**Procedure for Election**

11. (1) The Board, when summoned pursuant to section 10, shall meet for the purpose of electing an eligible bishop to be Primate.

(2) Subject to this Canon the Board may –
   
(a) adjourn and otherwise regulate its procedures and meeting as it sees fit, and

(b) act notwithstanding any vacancy in its membership.

(3) The Board shall elect a chair from among the members of the clergy or the members of the laity.

12. A quorum of the Board shall be –

(a) two thirds of the members of the House of Bishops;

(b) eight members of the clergy; and

(c) eight members of the laity.

13. If within a period of eight months after the date of the first meeting of the Board no eligible bishop be elected Primate or if at any time within that period the General Secretary receive notice from the chairman of the Board that the Board has resolved that it is unable to elect a Primate the General Secretary shall give notice to that effect to the Acting Primate and the Acting Primate, within three months of receipt of that notice, shall convene a special session of the Synod for the purpose of electing a Primate to be held at such place and at such time as the Acting Primate shall determine, provided that if when the Acting Primate receives that notice either a summons has been issued pursuant to Section 23 of the Constitution for the convening of members of the Synod for an ordinary session of Synod or in the judgement of the Acting Primate such a summons will be issued in the ordinary course within the next twelve months, the next ordinary session of Synod shall be deemed for the purposes of this canon to be a special session convened pursuant to this section.
14. At any election of a Primate under this canon the following provisions shall apply -

(a) In all ballots voting shall be by orders and each member of an order present may cast one vote for one eligible bishop no member shall have a casting vote.

(b) In the first ballot all eligible bishops shall be candidates;

(c) If on the first ballot an eligible bishop is elected Primate and the person elected forthwith declares unwillingness to accept the office, the first ballot shall be repeated but the person shall not be a candidate.

(d) If on the first ballot an eligible bishop is elected Primate and does not forthwith declare unwillingness to accept the office:

(i) The General Secretary must forthwith disclose to the members of the Board the content (if any) of the National Register insofar as it concerns the eligible bishop so elected, and the Episcopal Standards Director must disclose to members of the Board the substance of any complaint or information relating to the eligible bishop as elected insofar as it has been communicated to the eligible bishop;

(ii) If there is nothing to disclose under sub-paragraph (i) and the eligible bishop signifies acceptance of the office in accordance with subsection (2), that bishop shall become Primate;

(iii) If something is disclosed under sub-paragraph (i), and the eligible bishop has been given the opportunity to respond to that disclosure, the name of that eligible bishop so elected shall be submitted to a further ballot;

(iv) If the eligible bishop on the further ballot receives the votes of the requisite majority and signifies acceptance of the office in accordance with subsection (2), that bishop shall become Primate, but otherwise the process will proceed to a second ballot.

(e) If -

(i) on the first ballot no eligible bishop receives the votes of the requisite majority; or

(ii) the process must proceed to a second ballot under paragraph (d) (iv),

a second ballot must be held;

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Section 14 (1) amended by deleting paragraphs (b) to (g) and inserting new paragraphs (b) to (j) by Canon 01,2007.
Subject to paragraph (g), in the second ballot all eligible bishops shall be candidates except –

(i) the eligible bishop or bishops (if any) who received no votes in the first ballot;

(ii) if paragraph (d)(iv) has applied, the eligible bishop within the ambit of that paragraph who has not become Primate; and

(iii) any eligible bishop who has notified the chair of the Board that he does not desire to be a candidate in the ballot.

Before the second ballot is held -

(i) the General Secretary must forthwith disclose to the members of the Board the content of the National Register insofar as it concerns each of the candidates for that ballot, and the Episcopal Standards Director must disclose to members of the Board the substance of any complaint or information relating to any candidate for that ballot insofar as it has been communicated to that candidate; and

(ii) if something is disclosed under sub-paragraph (i), and the eligible bishop has been given the opportunity to respond to that disclosure, the name of that eligible bishop shall be submitted to the second ballot;

Unless paragraph (j) applies, if no eligible bishop receives the votes of the requisite majority in the second ballot, a further ballot or ballots shall be held until an eligible bishop receives the votes of the requisite majority or no eligible bishop remains a candidate, in each such further ballot the following shall not be candidates –

(i) every eligible bishop who received no votes in the immediately preceding ballot;

(ii) the eligible bishop or bishops who received the fewest votes in the aggregate in the immediately preceding ballot; and

(iii) any eligible bishop who, immediately before that ballot, gives to the chair of the Board notice that he does not desire to be a candidate.

Unless paragraph (j) applies, if no eligible bishop receives the votes of the requisite majority, pursuant to paragraph (h), the procedure in paragraphs (b) to (g) shall be repeated at such intervals as the Board by
a majority of all members present determines until an eligible bishop receives the votes of the requisite majority.

(j) If the list of candidates is reduced to two and if three ballots are held on that reduced list without a bishop receiving the votes of a requisite majority, the Board may, by a simple majority of the members present and voting, decide to revert to a ballot at which all diocesan bishops are candidates and this section then applies as if that ballot were a first ballot under this section.

(2) Subject to this section an eligible bishop who receives the votes of the requisite majority shall become Primate upon his signifying in writing to the General Secretary his acceptance of the office within 14 days after receiving the votes of the requisite majority.

(2A) If a bishop does not signify acceptance within 14 days after receiving the votes of the requisite majority, those votes are of no effect and the Board shall revert to a ballot at which all eligible bishops are candidates and this section then applies as if that ballot were a first ballot under this section.

(3) For the purposes of this section

(a) the requisite majority is a majority in each of the three orders of those present and voting;

(b) where an election is by the Board each of the following constitutes an “order” –

(i) the members of the House of Bishops;

(ii) the members of the Board who are members of the clergy;

(iii) the members of the Board who are members of the laity;

(c) where an election is by Synod each house of Synod constitutes an “order”;

(d) where an election is by Synod any reference to the Board is a reference to the Synod.

15. Notwithstanding anything in section 14, General Synod may at a special session convened pursuant to section 13 resolve at any time by houses that a new Board of Electors shall be constituted and thereupon the special sessions shall be deemed for the purposes of this canon to be an ordinary session and the provisions of this canon shall apply accordingly save that the Acting Primate shall convene the Board to meet as soon as is practicable and may fix the date, time and place of the first meeting of the Board by announcement made in Synod and such an announcement shall be deemed to be a summons duly served upon the members of the Board.

41 Amended by Canon 7, 2001, and further amended by Canon 01, 2007
42 Section 14 (2A) added by Canon 7, 2001, and subsequently amended by Canon 01, 2007
Primate’s Chancellor

16. (1) The Primate may at any time and from time to time appoint a Primate’s Chancellor.

(2) The Primate’s Chancellor is the principal confidential adviser to the Primate in legal and related matters.

(3) Subject to the Primate’s Chancellor’s overriding duty to the Primate, the Primate’s Chancellor may provide advice to the General Synod and other agencies of this Church.

(4) If the Primate’s Chancellor is not a member of General Synod he or she shall be entitled to attend each session of General Synod at the expense of the General Synod with the right to speak at the invitation of the Primate but not to vote.

(5) If the Primate’s Chancellor is not a member of the Standing Committee of General Synod he or she shall be entitled, at the invitation of the Primate, to attend any meeting of the Standing Committee at the expense of the General Synod with the right to speak at the invitation of the Primate but not to vote.

17. (1) A person to be appointed the Primate’s Chancellor shall hold the qualifications specified in section 3 of the Chancellors Canon 2001 and shall have, in the opinion of the Primate, a sound working knowledge of the law and polity of the Anglican Church of Australia.

(2) A Chair or Deputy Chair of Committees who is appointed Primate’s Chancellor shall cease to hold office as Chair or Deputy Chair of Committees as the case may be and shall be ineligible to hold any such office while holding the office of Primate’s Chancellor.

18. (1) The appointment of the Primate’s Chancellor shall be in writing under the hand of the Primate and shall be for such period as is specified in the appointment or until the office of Primate becomes vacant, whichever first shall happen.

(2) Notwithstanding the provisions of subsection (1) the Primate’s Chancellor –

(a) may resign the office by notice in writing to the Primate; and

(b) may be removed from office by the Primate.

19. A Primate’s Chancellor, before that person enters upon the execution of the office, is required to take and subscribe before the Primate or a person nominated by the Primate entitled to administer an oath:

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Section 16 repealed and new Sections 16, 17, 18, 19 & 20 inserted by Canon 01, 2007.
(a) the following oath or affirmation:

“I, AB, do swear that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office: so help me God.”; or

“I, AB, do solemnly and sincerely affirm that I will, to the utmost of my understanding in all things deal uprightly and justly in my office.”

and

(b) the following declaration:

“I, AB, do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and by the Canons and Rules from time to time in force of the General Synod”.

Transitional provisions

20. Notwithstanding any other provisions of this Canon:

(a) the person holding the office of Primate at the time when this section takes effect shall continue in office until his successor is elected in accordance with this section and has accepted appointment, and he shall be eligible for re-election at that time for a period of six years but for no further consecutive term;

(b) there shall be a meeting of the Board for the election of Primate in accordance with the provisions of this Canon which shall be convened to be held as soon as reasonably practicable in or after the month of September 2008.
ORDINATION SERVICE FOR DEACONS CANON 1985

Canon 16, 1985

A canon to authorise the use of a form of service for the ordination of deacons

The General Synod prescribes as follows:

1. This canon may be cited as “Ordination Service for Deacons Canon 1985.”

2. The use by this Church of the form of service set out in the schedule in accordance with the rubrics incorporated therein, for the ordination of deacons, is authorised.

3. The admission of persons to an office of deacon in this Church in accordance with the service set out in the schedule is authorised.

4. Nothing in section 2 or 3 affects
   (a) the use of the Book of Common Prayer in accordance with the provisions of the Constitution; or
   (b) the use of An Australian Prayer Book 1978 in accordance with the Australian Prayer Book Canon 1977; or
   (c) the admission of a person to an office of bishop, priest or deacon in this Church as if this canon had not been made.

5. The synod of a diocese may, by ordinance, regulate the use of the service set out in the schedule at services held in that diocese.

6. A person made deacon in this Church in accordance with the service in the schedule is for the purpose of the application of Article 36 of the Articles of Religion, sometimes call the Thirty-nine Articles, rightly, orderly and lawfully made and ordained.

7. This canon affects the order and good government of the church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.
SCHEDULE

THE ORDINATION OF DEACONS

The ordination of deacons shall take place on a Sunday following one of the Ember weeks, or on another day appointed by the bishop, when a large number of people can be present.

1. The Holy Communion begins in the customary way. Where the rubrics in that service so allow, it is desirable that the confession and absolution be used after the reading of the commandments or one of the permitted alternatives.

2. The ordination collect

   Almighty God, giver of all that is good, you have appointed various orders of ministry in your Church; bless these persons now called to the order of deacons. So fill them all with your truth and clothe them with holiness, that they may faithfully minister to the glory of your Name and the benefit of your Church. We ask this through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, now and for ever. Amen.

   The collect of the day is added

3. The readings are selected from those printed on pages 293-295 of AAPB or are those appointed for the day.

4. After the Gospel there is a sermon explaining the office and duty of a deacon.

5. All stand for the Nicene Creed which is said or sung.

THE PRESENTATION

6. The archdeacon, and/or other persons (who may be a priest and a lay person) appointed by the bishop, bring the candidates to stand before the bishop, and says

   N, Bishop in the Church of God,

   I/we present to you N/N to be admitted to the order of deacons.

   The bishop says

   Can you assure us that they are suited by training and godly living to minister to Christ’s family?

   The archdeacon

   They have been examined. Enquiries have been made among the people of God, especially among those concerned with their training, and I believe that all these candidates are so suited.
The bishop says to the people

Dear friends in Christ, you know the importance of this ministry. We have been assured that these persons are suited to this calling. If anyone knows any adequate reason why we should not proceed, you should now come forward and make it known.

If any offence or obstacle is alleged against a candidate, the bishop shall postpone the candidate’s ordination until the matter has been resolved.

If no objection is made, he continues

Are you ready to accept them as deacons in the Church of God?

The people reply

We accept them gladly!

THE EXAMINATION

7. The people sit. The bishop instructs the candidates.

My brothers, every believer is called to follow Jesus Christ, serving God the Father in the world, through the power of the Holy Spirit. God now calls you to a special ministry of service under the care of your bishop.

You are to serve the church of God and to work with its members in caring for the sick, the needy, and all who are in trouble. By your teaching and your life you are to show Christ’s people that in serving others we are serving Christ himself. You are to make his redemptive love known, by word and example, to those among whom you live, and work, and worship.

You are to share with the community the love of Christ and his gospel of reconciliation and hope. You are to pray and work for peace and justice in the world.

As deacons, you are to model your life according to the word of God. You are to be faithful in prayer, and take your place with bishop, priest and people in public worship and at the administration of the sacraments.

You are to strengthen the faithful, teach the young, search out the careless and the indifferent, and to preach the word of God in the place to which you are licensed.

In order that by your promises you may commit yourselves to your calling, and that this congregation may understand your intention, you must answer clearly to these questions which I now ask you in the name of God and his church:
Do you believe that you are truly called by God and inwardly moved by the Holy Spirit to this order and ministry of deacons, according to the will of our Lord Jesus Christ?

Answer

I do.

The bishop

Do you accept the holy scriptures as containing all doctrines necessary for eternal salvation through faith in Jesus Christ?

Answer

I do.

The bishop

Will you take your part in reading the holy scriptures in the church, in teaching the doctrine of Christ, and in administering the sacraments?

Answer

I will.

The bishop

Will you be diligent in prayer, and in the study of the holy scriptures, and in such other studies as help in the performance of your office?

Answer

I will.

The bishop

Will you endeavour, with the help of God, to make your personal life and that of your family a wholesome example to Christ’s people?

Answer

I will.

The bishop

Will you constantly seek the help of the Holy Spirit to use and develop God’s gifts to you, and to proclaim the gospel of Christ?

Answer

I will.
The bishop

Will you promote unity, peace, and love among all Christian people, and especially among those whom you serve?

Answer

I will.

The bishop

Will you accept the order and the discipline of this Church, submitting yourselves to the lawful authority of your bishop and those appointed to have charge over you?

Answer

I will, with the help of God.

The bishop

Almighty God, who has given you the will to do all these things, grant you also strength and power to perform them.

The people

Amen. May God help us to support you in this work.

THE PRAYERS

8. The bishop commends those who are to be ordained to the prayers of the people and silence is kept.

9. A minister begins this litany

   God the Father,
   Have mercy on us
   God the Son,
   Have mercy on us.
   God the Holy Spirit,
   Have mercy on us.
   Holy, blessed and glorious Trinity, one God,
   Have mercy on us.

   We humbly pray that you will hear us, O Lord; send your peace to the whole world, which you have reconciled to yourself by the ministry of your Son, Jesus.
Lord, hear our prayer.
Heal the divisions of your church, that all may be one,

Lord, hear our prayer.
Grant to your people the forgiveness of sins, growth in grace, and the fruit of the Spirit,

Lord, hear our prayer.
Lead the members of your church in their particular vocation and ministry to serve you through a true and godly life,

Lord, hear our prayer.
Raise up faithful and able ministers in your church, that the Gospel may be made known to all people,

Lord, hear our prayer.
Inspire all bishops, priests, and deacons with your love, that they may hunger for truth, and thirst after righteousness,

Lord hear our prayer.
Fill them with compassion, and move them to care for all your people,

Lord hear our prayer.
Bless your servants (N.N...) now to be admitted to the order of deacons, and pour your grace upon them, that they may faithfully fulfil the duties of this ministry, build up your church, and glorify your Name,

Lord, hear our prayer.
Sustain by the indwelling of your Holy Spirit those who have been called to the ministry of your church, and encourage them to persevere to the end,

Lord, hear our prayer.
Gather us with all your saints into your eternal kingdom,

Lord, hear our prayer.

THE LAYING ON OF HANDS

10. The candidates kneel before the bishop who says this prayer over them.

God and Father of all, we praise you for your infinite love in calling us to be a holy people in the kingdom of your son Jesus Christ our Lord, who took on himself the form of a servant, and humbled himself, becoming obedient even to death on a cross. We praise you that you have highly exalted him and made him Lord of all.
Through him, holy Father, we pray you to send down your Holy Spirit upon these your servants. Fill them with your strength and power for their work as deacons of your church, to the glory of your Name and the benefit of your people.

The bishop lays his hands on the head of each saying

N., receive authority for the office and work of a deacon in the church of God; in the name of the Father, and of the Son, and of the Holy Spirit.

And the people say

_Amen._

(the deacon may be appropriately vested)

The bishop gives to him the New Testament, saying

Receive this sign of your authority to proclaim God’s word and to assist in the administration of his holy sacraments.

11. The bishop

Lord, pour your grace continually on these your servants and stir up the spirit of holiness within them. May they be modest and humble, and strong and steadfast in observing the discipline of Christ. Let their lives and teaching so reflect your commandments, that through them many may come to know you and love you. As your Son came not to be served but to serve, may these deacons share in his service, and come to the unending glory of him who, with you and the Holy Spirit, lives and reigns, one God, for ever and ever. _Amen._

12. All stand

The bishop may present the newly ordained deacons to the people and say

People of God, I present to you these deacons.

The congregation may welcome them with applause.

13. The greeting of peace is given by the bishop

We are the body of Christ.

_His Spirit is with us._

The peace of the Lord be always with you.

_And also with you._

A hymn may be sung

The Holy Communion continues with the bringing of the gifts of the people to the Lord’s Table (First Order #16, Second Order #19).
NOTE: The newly-ordained deacons may be invited by the bishop to assist in the administration of the communion.

NOTE: In the form of service above all rubrics are printed in red.
ALTERNATIVE TABLES OF LESSONS CANON 1985

Canon 17, 1985 as amended by
Canon 15, 1992

A canon to authorise the use of certain Alternative Tables of Lessons

The General Synod prescribes as follows:

1. This canon may be cited as “Alternative Tables of Lessons Canon 1985”.
2. The use by this Church of the Table of Lessons set out in the Schedule hereto is hereby authorised until a date to be fixed by canon of General Synod.
3. Nothing in Section 2 affects the use of Tables in the Book of Common Prayer or in An Australian Prayer Book 1978 or of any other Tables duly authorised at the time when this canon comes into effect.
4. The synod of a diocese may by ordinance regulate the use in the diocese of the Table set out in the Schedule.
5. (1) Subject to this section, the bishop of a diocese may, upon request being submitted to him, authorise deviations from the Table of Lessons set out in the Schedule.
   (2) The procedures set out in the second and third provisos to section 4 of the Constitution apply to and in relation to the submission of requests to the bishop of a diocese under sub-section (1) in like manner as they apply to and in relation to the submission of requests for deviations from the Book of Common Prayer.
   (3) Nothing in this section permits a deviation contravening a principle of doctrine or worship referred to in section 4 of the Constitution.
6. This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

44 Amended by Canon 15, 1992.
Preface

The Three Year Lectionary for use at Holy Communion was introduced to our Church as part of An Australian Prayer Book 1978. It has been welcomed by many because of the ecumenical fellowship it expresses and because of the greater variety of readings provided over a three year period.

However, its good points have not blinded us to its imperfections. On occasions, the verse at which a reading commences or concludes does not work as well in the Revised Standard Version as in the Jerusalem Bible on which this Lectionary was based. Some Old Testament lessons seem inadequate in themselves or unsatisfactory in their connection with the theme of the Gospel. Some selections from the Epistles are also regarded as being inadequate in length and content. We have received numerous submissions to this effect and felt bound to respond by providing a modest revision of the Lectionary.

Although the Commission is convinced that a revision is warranted, it would not want to act unilaterally. A major revision of the Lectionary should be undertaken in consultation with other English speaking churches using the same Lectionary. Such negotiations have been commenced through A.C.O.L. (the Australian Consultation on Liturgy) and also through E.L.L.C. (the English Language Liturgical Consultation) which has been established to continue and expand the work of I.C.E.T. (the International Consultation on English Texts). An ecumenical consultation in North America (the consultation on common texts) has prepared a draft revision which is being field tested in Australia and elsewhere. The results of this pilot scheme will be considered by E.L.L.C. in due time. However, it will be some time before a decision can be made on this revision, and there is no certainty that it will be adopted in its present form. In the meanwhile, the Commission has prepared a modest revision of the Lectionary for the immediate use of our church.

1. The choice of the Gospel is either unaltered or extended. By retaining the Gospel, much of the ecumenical dimension of the Lectionary is maintained.

2. The major changes are demonstrated in the choice of Old Testament lessons to reflect the theme of the Gospel more adequately and to provide a more substantial coverage from the Old Testament.

3. Some in course readings from the epistles have been rearranged so as to achieve a more adequate coverage.

In general, the modifications to the Lectionary make a revision worthwhile but are not so extensive as to alter its basic style or identity.
Whilst the Primary thrust of this revision deals with the Three Year Lectionary, there are also some additional readings offered for use at Morning and Evening Prayer so as to provide alternative Old Testament lessons when a passage from the Apocrypha is offered on its own.

It is the intention of the Commission to use these Tables as the basis for the annual publication of “The Australian Lectionary”.

However, those who wish to continue using the Three Year Lectionary as set out in An Australian Prayer Book may continue to do so by recourse to that book. Those who use the Grail version of the psalms may continue to do so, though the appropriate verse numbers are not stated in this revised Lectionary simply for economy of space. Furthermore, those who use printouts of the Lectionary provided by various commercial organisations may continue to do so in so far as they relate to the Three Year Lectionary as printed in An Australian Prayer Book. The Commission offers this revision to help the Church explore more adequately the potential of the Three Year Lectionary. Thus, we might all “continually profit more and more in the knowledge of God and be more inflamed with the love of his true religion”.

Alfred Holland
Bishop of Newcastle
Chairman of the Liturgical Commission

READINGS FOR THE HOLY COMMUNION
(THREE YEAR SERIES)

The tables of lessons which form the remainder of the Schedule may be accessed in earlier editions of this book, or in the Proceedings of the 1985 Session of Synod. They may also be obtained from the Liturgical Resources section of the Anglican Church of Australia website through: http://www.anglican.org.au/governance.cfm?SID=21&SSID=39 or by request to the General Synod Office.
ORDINATION OF WOMEN TO THE OFFICE OF DEACON CANON 1985

Canon 18, 1985

A canon to provide for the ordination of women to the office of deacon and for other purposes

The General Synod prescribes as follows:

1. The bishop of a diocese may ordain a woman to the office of deacon.
2. The bishop of a diocese may grant to any woman who has been ordained in Australia or elsewhere to the office of deacon a licence to perform the duties of a deacon in that diocese.
3. Notwithstanding any other law of the Church a woman may be admitted to the office of deacon in this Church in accordance with the form appropriate to that office set out in the Ordinal included in the Book of Common Prayer or in the Ordinal included in the Australian Prayer Book or in accordance with any other form appropriate to that office and approved for use in this Church, the language of any such form being adapted for the purpose so far as may be necessary for the admission of a woman to that office.
4. Nothing in section 1 or section 2 or section 3 shall limit any power or authority possessed by the bishop of a diocese prior to the making of this canon.
5. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in a diocese unless and until the diocese by ordinance adopts it.
6. This canon may be cited as “Ordination of Women to the Office of Deacon Canon 1985.”
DEFENCE FORCE MINISTRY CANON 1985

Canon 19, 1985 as amended by
Canon 6, 2001

A canon to provide for the office of bishop to defence force, for the licensing of chaplains serving in the defence force and for other purposes

The General Synod prescribes as follows:

1. This canon may be cited as the “Defence Force Ministry Canon 1985.”

2. In this canon -
   “Bishop to the Defence Force” means the bishop appointed and holding office from time to time under this canon;

2A. (1) The Primate may, with the approval of a majority of the Metropolitans and of the Defence Force Board, appoint a person in Holy Orders to the office of Bishop to the Defence Force.

(2) If the person so appointed is not already a bishop, the person shall not be consecrated as bishop unless the canonical fitness of the appointee shall have been certified in writing by the Primate and the Metropolitans.

(3) A person appointed to the office of Bishop to the Defence Force shall not enter upon the office unless consecrated as bishop.

2B. (1) Before making an appointment to the office of Bishop to the Defence Force, the Primate shall obtain from the Defence Force Board notification of the stipend and allowances to be paid or provided as the case may be to the Bishop to the Defence Force.

(2) No appointment as Bishop to the Defence Force shall be made by the Primate until a majority of the Metropolitans have informed him in writing that they are satisfied that sufficient stipend and allowances will be provided for the occupant of the office.

3. The Bishop to the Defence Force shall be a bishop assistant to the Primate and shall be responsible to the Primate for episcopal oversight of the chaplains serving in the Defence Force and of the ministrations of the church among men and women of the Defence Force and their families.

45 Section 2 deleted and replaced by new Section 2 including Sections 2A and 2B by Canon 6, 2001
4. Subject to the Constitution the Bishop to the Defence Force shall hold office at the discretion of the Primate provided that the Bishop to the Defence Force shall continue in office notwithstanding any vacancy in the office of Primate and provided further that the term of office of a Bishop to the Defence Force shall expire -

(a) upon his resignation from the office or

(b) upon attaining the age of 65 years

whichever first occurs.

5. (1) (a) The Bishop to the Defence Force shall advise the Primate as to persons who are under consideration for appointment as chaplains in the Defence Force;

(b) upon a chaplain's appointment by the secular authorities, the Primate may in his discretion, either personally or by the Bishop to the Defence Force, grant to the chaplain a licence in or to the effect of the prescribed form authorising the chaplain to minister in Defence Force ships, establishments and areas of operations to members of the Defence Force and their families wherever they reside;

(c) prior to posting to any Defence Force ship, establishment or area of operation, the bishop of the diocese in which the Defence Force ship, establishment or area of operation is located shall where practicable be advised by the Bishop to the Defence Force or the Principal Chaplain of the intention to post the chaplain;

(d) upon a chaplain commencing his work in a new posting, provided it is in a different diocese to his previous posting, he shall present himself to the bishop of the diocese in which he is based, in order that the bishop may endorse that licence and may grant to the chaplain such further or other licences as he sees fit.

(2) For the purposes of this section “a licence in the prescribed form” means a licence in a form prescribed from time to time by the Standing Committee of General Synod provided that until Standing Committee otherwise determines the form set out in the Schedule shall be deemed to have been prescribed by the Standing Committee.

6. The Bishop holding office as the Bishop to the Forces at the time this canon comes into operation shall be the first Bishop to the Defence Force and shall be deemed to have been appointed pursuant to section 2 of this canon.

46 Amended by insertion of new words by Canon 6, 2001
SCHEDULE

LICENCE TO THE OFFICE OF CHAPLAIN IN THE DEFENCE FORCE

.................................. by Divine permission Primate of Australia to our well beloved in Christ
................................................

GREETING

WHEREAS you have first made and subscribed all such Declarations and Oaths as by the Constitution and Canons of the Anglican Church of Australia in such case are required, we do give and grant you, in whose fidelity, manner of life, learning and sound doctrine we fully confide, our licence and authority to perform the office of Chaplain in the Defence Force in ........................., to administer the sacraments, to read the common prayers and to perform other ecclesiastical duties according to the forms prescribed in the Book of Common Prayer, An Australian Prayer Book, and otherwise by lawful authority and the canons, constitutions and ordinances in that behalf lawfully established and promulgated and not otherwise nor in any other manner.

PROVIDED THAT in your office as chaplain in the Defence Force you shall be under the jurisdiction of the Primate and the Bishop to the Defence Force acting on his behalf and with his authority.

PROVIDED THAT in your office as chaplain in the Defence Force your ministrations shall be limited under this licence and authority to Defence Force ships, establishments and areas of operation and to members of the Defence Force and their families wherever they reside.

PROVIDED THAT you shall not perform any ministry other than to members of the Defence Force and their families without the authority duly given of the bishop of the diocese within which you are from time to time performing duties as chaplain in the Defence Force.

AND we do hereby reserve to ourselves, and to our successors, full power and authority to revoke these presents and all things herein contained, whenever we shall see just cause so to do.

In witness whereof

__________________________
DEFENCE FORCE BOARD CANON 1985

Canon 20, 1985 as amended by
Canon 2, 1995
Canon 4, 1998
Canon 6, 2001

A canon to establish the Defence Force Board

The General Synod prescribes as follows:

1. This canon may be cited as “Defence Force Board Canon 1985”.

2. In this canon “Bishop to the Defence Force” means the bishop holding office as Bishop to the Defence Force appointed pursuant to the Defence Force Ministry Canon 1985.

3. There shall be a board of this Church to be known as “Defence Force Board” (hereinafter called “the Board”).

4. The objects of the Board shall be:
   (a) to continue the work of the Armed Services Board established under the Armed Services Board Canon 1966;
   (b) to be a resource available to the Primate, the bishops, the Synod and the Standing Committee of General Synod on all matters concerned with the ministrations of the Church among men and women of the Defence Force and the families of those men and women;
   (c) to consult with and to give advice to the Bishop to the Defence Force;
   (d) to administer any funds or other property allotted to it by General Synod, or placed at its disposal in other ways, for the furtherance of these objects and in providing for the Bishop to the Defence Force;
   (e) to do such other things in respect to Chaplains in the Defence Force and their work as may be delegated to it by the Primate, the General Synod or Standing Committee of General Synod.

5. The members of the Board shall be:
   (a) the Bishop to the Defence Force who shall be Chairman.

47 Section 4 (c) repealed and replaced by Canon 6, 2001
48 Amended by addition of new words by Canon 6, 2001
(b) (i) three members of the clergy of whom at least one at the time of election is rendering or has previously rendered service as a reserve chaplain in the Australian Defence Force; and

(ii) three lay persons

elected by the House of Clergy and House of Laity voting together at each ordinary session of the General Synod.

It is declared for the avoidance of doubt that the expression “members of the clergy” may include any person in bishop’s orders, including a diocesan bishop.

(c) The Principal Chaplain of this Church in each arm of the Defence Force.

(d) Any vacancy in the elected membership of the Board occurring when General Synod is not in session shall be filled by a qualified person elected by the Standing Committee of General Synod.

6. A quorum of the Board at a meeting of the Board is five members.

7. A vacancy in the membership of the Board does not affect the exercise of the powers or the performance of the functions of the Board.

8. Nominations of candidates for election to the Armed Services Board received at the 1985 session of Synod shall be deemed to be nominations for election to the Defence Force Board.

9. The Board shall report to General Synod at each ordinary session of the General Synod and shall report at least once in every year to the Standing Committee of General Synod.

10. The Armed Services Board Canon 1966 is repealed.

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49 Section 5(b) repealed and replaced by Canon 2, 1995 and amended by Canon 4, 1998.
Use of Church Names Canon 1989

Canon 10, 1989

A canon to regulate the use of names and descriptions relating to the Anglican Church of Australia

Whereas provision is made by section 6 of the Anglican Church of Australia Act 1976 of the State of New South Wales that a person shall not, for the purposes of, or in connection with, any business, trade or profession use, or cause or permit to be used, names and descriptions relating to the Anglican Church of Australia unless the person is authorised to do so pursuant to a canon of the General Synod.

And whereas this Church has, under the laws of the States and Territories of Australia, the right to restrain the passing off by a person of his or her activities as activities of this Church.

Now the General Synod prescribes as follows:

Citation

1. This canon may be cited as the “Use of Church Names Canon 1989”.

Meaning of “Church name”

2. In this canon, “Church name” means -

   (a) each of the names or descriptions “Church of England”, “Church of England in Australia”, “Anglican Church of Australia” or “Anglican”; and

   (b) any name, initials, word, title, addition, symbol or description which, either alone or in conjunction with other matter -

      (i) refers to this Church or an instrumentality of this Church; or

      (ii) implies, or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that it is a reference to this Church or an instrumentality of this Church.

Authorised persons and bodies

3. (1) A body named or referred to in Schedule 1 is authorised by this canon to use the Church name throughout Australia.

   (2) A body named or referred to in Schedule 2 shall be deemed to have been authorised by a certificate under this canon of the Bishop-in-Council
of the diocese in which the body has its principal place of business to use, throughout Australia, the form of the Church name used by the body as at the commencement of this canon until such time as notice of withdrawal of the certificate may be given under section 8.

(3) A person or body to which a certificate has been issued under this canon (and which has not been withdrawn) may use, throughout Australia, such form of the Church name as is specified in the certificate.

Applications for authorization

4. A person or body may apply to the Bishop-in-Council of the diocese in which the person or body has its principal place of business for a certificate authorising the use of a form of the Church name by the person or body.

Determination of applications

5. (1) Subject to sections 6 and 7, the relevant Bishop-in-Council may

(a) grant an application for the issue of a certificate under this canon and issue the certificate or issue the certificate subject to such condition or conditions as the Bishop-in-Council prescribes; or

(b) refuse the application.

(2) The synod of a diocese may, for the purpose of this clause, prescribe -

(a) the manner in which an application for a certificate authorising the use of a form of the Church name may be made and determined;

(b) the circumstances in which the Bishop-in-Council of the diocese may issue a certificate;

(c) any conditions subject to which a certificate may be issued; and

(d) fees and charges to be made in relation to the issue of a certificate.

Authorization of bodies (other than schools)

6. Except to the extent to which a synod of a diocese, by ordinance, otherwise determines, a certificate under this canon authorising the use of a form of the Church name shall issue, in the case of a body (whether incorporated or not, but not being the governing body of a school) only to a body -

(a) the aims and objects of which are compatible with the aims, objects or welfare of this Church;

(b) the means of carrying out the aims and objects of which are compatible with the aims, objects or welfare of this Church;
(c) which has on its controlling body one or more persons elected or appointed by the synod or bishop of the diocese;

(d) which permits such a person, despite the person's fiduciary duty of confidentiality to the body, to report to the synod of the diocese any matter of which, in the person's view, the synod should be informed;

(e) which submits its accounts for audit or scrutiny by officials of the diocese at least once in each year; and

(f) which undertakes to change its name to a name not including the Church name on or before the expiration of 60 days after the date on which the authority conferred by the certificate ceases.

Authorisation of schools

7. Except to the extent to which a synod of a diocese, by ordinance, otherwise determines, a certificate under this canon authorising the use of a form of the Church name shall issue, in the case of the governing body of a school, only to a school that complies with any diocesan requirements for the conduct, control and curriculum of an Anglican school in the diocese concerned.

Withdrawal of authorisations

8. The authority conferred by a certificate of the Bishop-in-Council of a diocese may be withdrawn at any time by notice in writing given to the person or body by the bishop of the diocese.

Cessation of authority conferred by certificate

9. The authority conferred by a certificate of the Bishop-in-Council of a diocese ceases -

   (a) on the expiration of any period for which the certificate is expressed to be in force; or

   (b) when notice of withdrawal of the certificate is given under section 8, whichever first occurs.

Application

10. This canon shall only apply to a diocese which in whole or in part is subject to the Anglican Church of Australia Act, 1976 of the State of New South Wales.
SCHEDULE 1

All parishes and other parochial units of the Church.

All bodies constituted or controlled by an Act or Ordinance of a State or Territory of Australia, being an Act or Ordinance in which a form of the Church name appears in the citation.

All bodies constituted or controlled by a canon of the General Synod or an Ordinance or Act of a provincial synod or a synod of a diocese.

SCHEDULE 2

Anglican Boys' Society
Anglican Deaconess Institution
Anglican Encounter (Newcastle)
Anglican Girls’ Friendly Society
Anglican Growth Fund (Bathurst)
Anglican Insurances Agencies Pty Ltd
Anglican Men’s Society
Anglican Mothers’ Union
Anglican Women (Newcastle)
Anglican Women of Australia
C.A. Brown Anglican Village, Booragul
Church of England Children’s Home Burwood
Church of England Historical Society
Church of England Youth Department Diocese of Sydney Ski Lodge Limited
“Closebourne” Anglican Conference Centre, Morpeth
Kambala Church of England Girls’ School
Meriden Anglican School for Girls
Mosman C. of E. Preparatory School Pty Ltd
Newcastle Church of England Grammar School for Girls
SCEGGS Darlinghurst
SCEGGS Redlands
The Anglican Savings & Development Fund, Diocese of Newcastle
LONG SERVICE LEAVE CANON 1992

Canon 8, 1992 as amended by
Canon 6, 1995

A canon to repeal the long service leave canon 1966–1987 and to make new provision for long service leave for members of the clergy and for other purposes

The General Synod prescribes as follows:

PART I: INTRODUCTORY

Title
1. This Canon may be cited as the Long Service Leave Canon 1992.

Commencement
2. (1) This Canon comes into operation on the first day of January next following the receipt by the General Secretary of General Synod of notices that it has been adopted by the Synods of each of the dioceses that are participating dioceses under the former Canon (in this Canon called “the date of commencement”).

(2) When the General Secretary of General Synod has received the necessary notices of adoption for the purpose of sub-section (2), the General Secretary of General Synod shall notify each diocese of the date on which this Canon will commence.

The Fund
3. The Long Service Leave Fund established under the former Canon continues in existence under and subject to this Canon and is in this Canon called “the Fund”.

Definitions
4. (1) Under this Canon or in any regulation made pursuant to the provisions of this Canon except in so far as the context or subject matter otherwise requires or indicates-

“Board” means the Long Service Leave Board constituted under Part II of this Canon;

“Church” means the Anglican Church of Australia;

The Long Service Leave Canon 1992 is repealed on the date on which the Long Service Leave Canon 2007 comes into operation. (see section 2(1) of the Long Service Leave Canon 2007)

Amendments made by Canon 11, 2001 and Canon 9, 2007 have not come into effect. This Canon will be repealed when Canon 7, 2010 comes into effect.
“Corporation” means the company limited by guarantee incorporated under the law of Victoria under the name Anglican Long Service Leave Fund Limited;

“Eligible Member” means—

(i) a member of the clergy; or

(ii) a person employed by a participating diocese or participating organisation who:

(a) with the consent of the Board is nominated as an eligible member by the participating diocese or participating organisation; or

(b) is a member of a class of people defined with the consent of the Board as eligible members by the participating diocese or participating organisation;

for the purposes of this Canon;

“Former Canon” means the Long Service Leave Canon 1966-1987;

“Fund Year” means a period of 12 months ending on the 31st day of December, or on such other date as the Board may determine, and includes, if the Board determines another date, such period more or less than 12 months as the Board determines;

“Member of the Clergy” means—

(i) a bishop of a diocese;

(ii) a person in holy orders collated instituted or licensed by the bishop of a diocese to the cure of souls in a parish or to any other appointment in a parish;

(iii) a bishop dean archdeacon canon principal vice principal or tutor in holy orders of a university or theological college, a principal of a school or a chaplain, or other person in holy orders licensed to a distinct official position in the diocese or holding some other licence of the bishop of the diocese;

(iv) a person in holy orders on missionary service; or

(v) for the purposes of this Canon, in relation to a diocese the synod of which so resolves, a person licensed by the bishop of the diocese to exercise the office of deaconess in that diocese.

“Notional Stipend” means notional annual stipend within the meaning of section 44;

51 Definition of “Eligible Member” inserted by Canon 6, 1995. Eligible Member(s) replaced member(s) of the clergy in the definition of “Ordinary Service” and “Service” in this section and also sections, 15, 29, 31(2), 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49.
“Ordinary Stipend” in relation to an eligible member means stipend or salary at the rate paid to the member immediately preceding the date on which the member enters or is deemed to enter upon long service leave;

“Parish” includes any parochial district, or similar pastoral division constituted by or under ordinance of the synod of a diocese;

“Participating Diocese” means -
(i) a diocese of the Church which was a participating diocese for the purposes of the former Canon; and
(ii) a diocese of the Church admitted under Part V of this Canon to be a participating diocese;

“Participating Organisation” means -
(i) an organisation which was a participating organisation for the purposes of the former Canon; and
(ii) an organisation admitted under Part V of this Canon to be a participating organisation;

“Proper Officer” in relation to a participating organisation, means the person particulars of whose office, name and address are furnished to the Board by the participating organisation as those of the proper officer for the time being of the organisation for the purposes of this Canon;

“Qualifying Service” means qualifying service within the meaning of section 38;

“Service” means service in a full time capacity as an eligible member
(i) in a diocese of the Church or in a diocese which was formerly part of the Church;
(ii) as a missionary being service which the Board with the approval of the Standing Committee prescribes either generally or in a particular case to be or to have been missionary service; or
(iii) as an employee of a participating organisation
and includes any period during such service of annual holiday leave or of furlough and any period of long service leave under the former Canon or this Canon, and “serve” and “serving” have corresponding meanings;

“Standing Committee” means the Standing Committee of General Synod; and

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52 Amended by Canon 6, 1995.
“Supplementary Allowance” means a supplementary allowance within the meaning of section 44.

(2) Except in so far as the context or subject matter otherwise requires or indicates, words importing the singular number include the plural number and vice versa and words importing the masculine gender import the feminine and except for the word “deaconess”, words importing the feminine gender import the masculine.

(3) Headings of parts of this Canon are deemed to be part of this Canon but the headings to sections and any footnotes are not.

**PART II: THE BOARD**

**The Board**

5. For the purposes of this Canon there is a Board called the Long Service Leave Board.

**Membership**

6. (1) A person may not be elected a member of the Board who has -

   (a) been declared by any competent court incapable of managing his or her affairs; or

   (b) attained the age of 72 years.

(2) Subject to section 7, the Board consists of 7 persons namely-

   (a) 1 member of the House of Bishops;

   (b) 2 members of the House of Clergy; and

   (c) 4 members of the House of Laity;

   each of them elected at an Ordinary Session of General Synod by the House of which that person is a member.

(3) Upon the date of commencement, the persons who held office as members of the Board established by the former Canon hold office as members of the Board established by this Canon as if duly elected by the respective House of General Synod of which they are members.

(4) A member of the Board to whom sub-section (3) applies holds office, subject to this Canon, until:

   (a) in the case of the member who is a member of the House of Bishops, or of the member who is a member of the House of Clergy and the
2 members who are members of the House of Laity to whom this paragraph applies, the first ordinary session of General Synod next following the date of commencement; or

(b) in the case of any other of those members – until the second ordinary session of General Synod next following the date of commencement.

(5) The members of the House of Clergy, and the members of the House of Laity, respectively, shall determine among themselves which member of the House of Clergy and which 2 members of the House of Laity paragraph (4) (a) shall apply to and, failing determination within 1 month after the date of commencement, the General Secretary of General Synod shall make the determination by lot.

(6) Subject to sub-section (4):

(a) a member of the Board elected by the House of Bishops holds office until the ordinary meeting of General Synod next following the election of the member; and

(b) a member of the Board elected by the House of Clergy or House of Laity holds office until the second ordinary session of General Synod next following the election of the member.

(7) A member of the Board is eligible for re-election if still a member of a House of General Synod.

Vacancies

7. (1) A member of the Board ceases to hold office if the member –

(a) resigns;

(b) dies;

(c) is declared by any competent court incapable of managing his or her affairs and remains so;

(d) fails to attend three successive meetings of the Board without leave of the Board;

(e) attains the age of 72 years;

(f) is removed by resolution of the Standing Committee; or

(g) ceases to be a member of the House of General Synod of which he or she was a member when elected or appointed to be a member of the Board.
(2) The Standing Committee by resolution may at any time -
(a) remove a member of the Board from office; or
(b) fill a vacancy which occurs in an office of member of the Board.

(3) If a vacancy is filled by the Standing Committee under sub-section (2) the office of a member of the House of Bishops must be filled by a member of the House of Bishops, the office of a member of the House of Clergy must be filled by a member of the House of Clergy and the office of a member of the House of Laity must be filled by a member of the House of Laity.

(4) A vacancy or the omission to fill a vacancy does not affect the acts or authority of the Board.

(5) A person appointed to fill a vacancy holds office for the balance of the term of the person being replaced.

Chair

8. (1) The Board at its first meeting after each General Synod must elect from among its members a person to occupy the chair.

(2) In the absence of that person from a meeting of the Board the members present must elect from among themselves some other person to occupy the chair.

Quorum

9. The quorum for a meeting of the Board is 4 members or, if the Board consists of less than 4 members, all the members of the Board.

Functions

10. The functions of the Board are the management and control of the Fund and any other functions which this Canon or the regulations require to be performed, and does not vest in some other body or person.

Powers

11. (1) The Board in performance of the functions vested in it by this Canon has such powers as -
(a) are necessarily incidental to or convenient for the due performance of those duties; or
(b) are expressly vested in the Board by this Canon.

(2) The Board may employ as agents and pay -
(a) any accountant, actuary, banker, barrister, solicitor, estate agent, fund manager, insurance broker, stock broker or other professional person; or

(b) any suitably qualified organisation;

to perform any function of the Board under the Canon.

Rules and Regulations

12. (1) Subject to Part IV of this Canon the powers of the Board include the power by resolution of the Board to make rules and regulations not inconsistent with this Canon and necessary or convenient to be made for giving effect to this Canon including, but without limiting the generality of the foregoing, with respect to -

(a) the Board’s own proceedings records and reports including the procedure for the making of rules and regulations and, without divesting itself of its responsibilities under this Canon, the appointment of committees of its members and co-option to membership of any such committee;

(b) the contracting out to a suitably qualified organisation of the day to day administration of the Fund in accordance with the directions of the Board;

(c) the appointment of all necessary officers, definition of their duties and their remuneration (if any);

(d) money property investments and audit;

(e) actuarial investigations consultation approval and advice;

(f) contributors;

(g) benefits; and

(h) any matters in which under this Canon the Board has a discretion power or duty.

(2) Upon making a rule or regulation the Board must cause notice of its terms to be given to the Standing Committee, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(3) On the first day of the first Ordinary Session of General Synod after the making of a rule or regulation a copy of the rule or regulation must be laid before the Synod and it is lawful for the Synod at that session to disallow it, but disallowance by Synod does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.
The Standing Committee may disallow a rule or regulation made by the Board at the first meeting of the Standing Committee after notice is given under subsection (2) but the disallowance does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

Upon disallowance by General Synod or the Standing Committee of a rule or regulation made under this Canon the Standing Committee must cause notice of the disallowance to be given to the Board, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

Where a rule or resolution is disallowed, any other rules or resolutions made by the Board have effect as if the disallowed rule or resolution had never been made.

Actuarial Advice

No power or duty of the Board which entails actuarial knowledge, calculation or judgment may be exercised without obtaining and considering the advice of the Actuary.

Discretions

Subject only to this Canon, the Board in exercise of the authorities, powers and discretions vested in it under this Canon has an absolute discretion and -

(a) may exercise all or any of its powers, authorities and discretions from time to time; or

(b) (except so far as it may be necessary to give effect to any legal or enforceable rights of any person) may refrain from exercising all or any of its authorities, powers and discretions from time to time or at all.

Declaration of Interest

(1) Every member of the Board who -

(a) is or becomes in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation; or

(b) holds an office or possesses property whereby whether directly or indirectly duties or interests might be created in conflict with that member's duties as a member of the Board;

must as soon as practicable after the relevant facts have come to that member's knowledge declare the facts nature and extent of the interest or conflict at a meeting of the Board.
(2) That member must not for so long as the interest exists or the conflict is possible vote on any resolution of the Board touching that contract or property or office without the consent of all of the other members of the Board present.

(3) The requirements of the preceding paragraphs or sub-sections of this section do not apply in any case where the interest consists only of -

(a) an interest in a contract or proposed contract with the Corporation if the interest of the member of the Board may properly be regarded as not being a material interest;

(b) that member’s interest as an eligible member; or

(c) being an honorary office holder in an organisation or corporation with which the Corporation contracts.

Indemnity

16. (1) A person is entitled to be indemnified out of the Fund for any personal liability incurred by that person while acting within the authority conferred by this Canon upon him or her as a member of the Board or officer or other appointee of the Board unless the personal liability is occasioned by that person’s own dishonesty or by his or her wilfully and knowingly being a party to an act resulting in the personal liability.

(2) In relation to a person mentioned in sub-section 16 (1) the expression “personal liability” means liability for -

(a) any of his or her acts, receipts, neglect or default or those of any other Board member, officer or other appointee of the Board;

(b) involuntary loss or misapplication of the Fund or of any entitlement payable from the Fund;

(c) any loss which results from the insufficiency of any security or from any investment made by the Board in good faith; or

(d) any loss brought about by a person or organisation employed under section 11 to perform a function of the Board in performing that function.

Money

17. (1) The Board must collect, and pay promptly into a bank, in the name of the Fund, all money paid to the Fund.

(2) The Fund must be applied by the Board to the purposes of this Canon but the expenses of the Board and of the management of the Fund are a first charge on the Fund.
A member of the Board or officer or other person appointed by the Board is entitled to be reimbursed or to have paid or discharged out of the Fund all expenses properly incurred in the performance of the duties of his or her office.

Financial Statements and Audit

18. The Board must -

(a) keep account of all money received by and disbursed from the Fund and all dealings in connection with that money;

(b) keep appropriate records and accounts in proper order, and make suitable arrangements for their custody and for custody of documents relating to the investments;

(c) prepare or have prepared as soon as practicable after the end of each Fund Year financial statements consisting of a balance sheet as at the end of the Fund Year and a statement of income and expenditure for that Fund Year;

(d) have the financial statements of the Fund audited by an auditor appointed by the Board; and

(e) require a report to be given to the Board by the auditor in respect of each such audit.

Reporting

19. (1) The Board must once at least in every year have copies of the audited financial statements together with a short report of the Fund's operations for the year provided to -

(a) the Standing Committee;

(b) the Bishop and Registrar of every participating diocese; and

(c) the proper officer of every participating organisation.

(2) A report of the proceedings of the Board since the previous Ordinary Session of General Synod together with a copy of all financial statements and reports under sub-section (1) made since that Session must be laid before each Ordinary Session of General Synod.

Limit of Payment

20. Notwithstanding anything in this Canon the Board is not bound to make any payment except out of funds held by it for the purposes of this Canon.
Insufficient Funds

21. In the event of the funds held by the Board at any time being insufficient to make all the payments at that time payable by it under this Canon the Board, subject to any direction of the Standing Committee, must make such payments as in its opinion are fair and equitable in the circumstances.

PART III: THE CORPORATION

Appointment

22. So far as the Corporations Law of the State of Victoria permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation -

(a) there must be not less than 5 members of the Corporation;
(b) except as provided in paragraph (a) the number of members of the Corporation always equals the number of members of the Board of the Fund;
(c) the members of the Corporation are those persons who from time to time are the members of the Board of the Fund and have consented to be members of the Corporation;
(d) only persons who are members of the Corporation are eligible to be directors of the Corporation and all members of the Corporation are directors of the Corporation; and
(e) a person who ceases to be a member of the Board of the Fund ceases to be a member of the Corporation.

Removal of Members

23. So far as the Corporations Law of the State of Victoria permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation a member of the Corporation who -

(a) is continuously absent from the Commonwealth of Australia for more than 3 months without the consent of the remaining members of the Corporation;
(b) resigns;
(c) fails to attend 3 successive meetings of the Directors of the Corporation without leave of the Board of the Corporation;
(d) becomes bankrupt; or
in the opinion of the remaining members of the Corporation or a majority of
them otherwise becomes incapable or unworthy of acting;
may be removed from office by the remaining members of the Corporation at
a meeting of which 14 days notice has been given to that member wherever
resident and to all other members of the Corporation for the time being in the
Commonwealth of Australia.

Age Qualification
24. So far as the Corporations Law of the State of Victoria permits, the Board of the Fund
must procure at all times that under the Memorandum and Articles of Association
of the Corporation a person who has attained the age of 72 years is not eligible to be
appointed a member of the Corporation and a member must retire forthwith upon
attaining that age.

Powers of Investment and Borrowing
25. (1) The Corporation acting upon the direction of the Board of the Fund has
power -
   (a) to invest the assets of the Fund;
   (b) to vary or realise those investments; and
   (c) to underwrite or sub-underwrite the issue of any investments authorised
       under this Canon.

   (2) The Corporation acting upon the direction of the Board of the Fund has power
from time to time to borrow, or maintain an existing borrowing of money,
whether by way of a secured or unsecured loan with a bank or other institution.

Duty of Investment
26. Subject to -
   (a) the direction of the Board of the Fund; or
   (b) the direction (if any) of
       (i) General Synod; or
       (ii) the Standing Committee;
           the Corporation must invest such part or the whole of the Fund in such
names in such manner and subject to such conditions as the Board of
the Fund in its sole discretion determines.
PART IV: THE ACTUARY

Appointment

27. (1) The Board must appoint an Actuary.
(2) The Actuary is subject to the same age qualification as the members of the Board.

28. The Actuary holds office for a term of 3 years or such lesser period as is specified by the Board but subject to age qualification is eligible for re-appointment for a further term.

Actuarial Responsibilities

29. (1) The Board must cause actuarial investigations of the affairs of the Fund to be made at such intervals not exceeding 3 years as may be decided by the Board.
(2) An actuarial report must be given to the Board in relation to each investigation referred to in sub-section (1).
(3) Arising from an actuarial investigation the Board may make, alter or rescind rules or regulations under section 12 relating to benefits payable to eligible members.
(4) The Actuary must give advice to the Board upon the request of the Board and may give advice at other times.

PART V: CONTRIBUTIONS

Additional Participating Dioceses

30. Where the synod of a diocese which is not then a participating diocese adopts the Canon, the Board may admit the diocese to be a participating diocese upon such terms and conditions (including terms as to retrospectivity) as the Board with the advice of the Actuary may determine.

Participating Organisation

31. (1) An organisation which employs 1 or more members of the clergy and agrees to the terms and conditions of participation in the scheme of this Canon, upon application to and approval by the Board, becomes a participating organisation.
(2) A participating organisation may make contributions to the Fund on the account of any eligible member who is employed by the organisation. Contributions must be of the amount and made at the times which would be appropriate if that eligible member were rendering qualifying service in a participating diocese.
Amount of Contributions

32. Subject to any direction of the General Synod or of the Standing Committee the rate of annual contribution for the purpose of this Canon -

(a) must be set by the Board; and

(b) applies from the following first day of January.

Responsibility for Contributions

33. (1) This section applies to a parish institution or organisation (not being a participating organisation) in a participating diocese which is responsible for the payment of the stipend or salary of any eligible member rendering qualifying service in that diocese, unless the diocese determines to the contrary.

(2) Where this section applies the parish institution or organisation must pay to the proper officer of the diocese in respect of each day during which it is responsible for the payment of the stipend or salary of the eligible member an amount equal to a 365th part of the annual contribution fixed under section 32.

Payment of Contributions to Diocese

34. Each amount payable to a diocese under section 33 is payable at such times and in such manner as the diocese prescribes.

Payment of Contributions to the Fund

35. (1) Each participating diocese or participating organisation must pay a contribution to the Fund within 14 days of the last day of the months of March, June, September and December in each year in respect of each eligible member receiving stipend or salary as a member of that diocese or organisation who has rendered qualifying service in that diocese or organisation during the whole or any part of the quarter ending on that day. The contribution must be so much of the annual contribution fixed under section 32 of the Canon as is apportionable to the number of completed days of the member’s qualifying service so rendered during the quarter.

(2) In the event of payments not being made within the time limit in sub-section (1) interest on the late payment calculated on a daily basis at a rate set by the Board from time to time may be charged at the discretion of the Board.
PART VI: ENTITLEMENTS

General

36. (1) Subject to this Canon every eligible member serving in a participating diocese or with a participating organisation is entitled to long service leave on his or her ordinary stipend or salary.

(2) \[53 \]

Amount of Long Service Leave

37. (1) The amount of long service leave to which an eligible member becomes entitled is -

(a) on completion of the first 10 years of qualifying service, a period of 10 weeks leave;

(b) on completion of each subsequent 5 years of qualifying service, a period of 5 weeks leave; and

(c) on completion of a period of qualifying service fixed by the Board under sub-section (3), a period of leave fixed by the Board under sub-section (3).

(2) Sub-section (3) applies where in the opinion of the Board -

(a) the relevant circumstances of an eligible member are abnormal; and

(b) it would be to the disadvantage of the member for sub-section (3) not to apply.

(3) Where this sub-section applies the Board may fix -

(a) (i) a period of qualifying service of less than 10 years where the member has not completed 10 years qualifying service; or

(ii) a period of less than 5 years further qualifying service where the member has completed 10 years qualifying service and part only of any subsequent period of 5 years qualifying service; and

(b) a period of long service leave to which the member is entitled upon completion of the period fixed under sub-section (a).

Qualifying Service

38. (1) Qualifying service means -

(a) service at any time whether before or after Parts II and III of the former Canon came into force -

\[53 \] Section 36(2) deleted by Canon 6, 1995.
(i) in a diocese the synod of which resolved before or within 12 months after the coming into force of those Parts that the diocese participate in the scheme of the former Canon; and

(ii) in that part of the Diocese of Carpentaria which became the Diocese of the Northern Territory by virtue of the Diocese of the Northern Territory Formation Canon of 1966;

(b) service at any time after Parts II and III of the former Canon came into force -

(i) in any other diocese after that diocese has become a participating diocese; or

(ii) in a participating organisation after that organisation has become a participating organisation.

(2) Notwithstanding any other provisions of this Canon, in calculating the length of qualifying service of any eligible member the following must not be taken into account –

(a) any excess over 15 years service rendered before Parts II and III of the former Canon came into force;

(b) any service rendered after Parts II and III of the former Canon came into force in respect of which –

(i) the contributions mentioned in Part V have not been paid; or

(ii) where that service is missionary service, in respect of which there has not been paid to the Fund a sum which corresponds to the aggregate of the contributions which would have been payable in respect of a like period of service in a participating diocese;

(c) any period of service in respect of which leave has been taken or payment made under the provisions of the former Canon, this Canon or of any other long service leave scheme,

(d) any period of service which is taken into account under any Act of any Parliament award or industrial agreement in calculating an entitlement to leave in the nature of long service leave or payment in lieu of such leave whether the Act award or industrial agreement is made before or after any part of this Canon came into force. This paragraph does not apply however in calculating the length of qualifying service of any eligible member who has made application under sub-section (3).
(3) (a) When on a particular date an eligible member has -

(i) begun to render qualifying service; or

(ii) resumed rendering qualifying service;

the member may make application to the Board to be deemed to have begun or resumed rendering that service on an earlier date.

(b) The Board, acting upon actuarial advice, may determine a date from which and conditions (including conditions as to payment of contributions in respect of the period between the last mentioned date in paragraph (a) and the first mentioned date) subject to which the applicant under paragraph (a) is deemed to have begun or resumed rendering qualifying service as the case may be.

(c) In making a determination under paragraph 38(3)(b) the Board -

(i) must take into account without further contribution any period of less than 10 years qualifying service which ended less than 5 years before the date of the determination; and

(ii) may take into account any period of less than 10 years qualifying service which ended 5 or more years before the date of the determination;

in respect of which the member has not under the former Canon or this Canon taken leave or received payment.

(d) The Board is not required to maintain a record of qualifying service for more than five years after the qualifying service ceases to be rendered by reason only of -

(i) anything in this sub-section; or

(ii) the qualifying service having been rendered (wholly or partly) before the commencement of this Canon.

Where any such record has existed but no longer exists the Board -

(iii) may still determine a date under paragraph (b); and

(iv) if it sees fit may at any time reconstruct the record to its satisfaction and rely on the reconstructed record.
Periods of Leave

39. Leave may be granted and taken in 1 continuous period or if the eligible member and the diocese or participating organisation so agree in separate periods as follows –

   (a) where the amount of the leave exceeds 5 weeks but does not exceed 10 weeks, in 2 separate periods; or
   (b) where the amount of the leave exceeds 10 weeks, in 2 or 3 separate periods.

Annual Holidays Excluded

40. Long service leave taken under this Canon is exclusive of annual holidays but is inclusive of all other holidays occurring during the leave.

When Leave to be Taken

41. Subject to Part VII of this Canon where an eligible member has become entitled to long service leave under this Canon the leave must be given and the eligible member must take the leave -

   (a) where the eligible member is serving in a participating diocese, as soon as practicable having regard to the needs of the diocese in which the member is serving except that after an entitlement to leave has accrued the diocese and the member may agree that the taking of the leave be postponed until an agreed date; or
   (b) where the eligible member is not serving in a participating diocese or is serving in a participating organisation, as soon as practicable having regard to the needs of the Church or the participating organisation.

Priority as Between Members

42. Participating dioceses and participating organisations determine the order in which eligible members entitled to long service leave take that leave but, in determining that order, ordinarily must give priority to those who have rendered the longest qualifying service.

Notice of Leave

43. Every participating diocese or participating organisation must give to each eligible member, unless that member otherwise agrees, at least 3 months’ notice of the date from which it is proposed that the member’s long service leave shall be given and taken.
PART VII: PAYMENT

Notional Stipend and Supplementary Allowance

44. (1) The Standing Committee acting upon the advice of the Board may from time to time determine -

(a) a notional annual stipend in respect of all eligible members expressed as a sum per annum; or

(b) a notional annual stipend as so expressed in respect of each of two or more categories of eligible members determined by the Standing Committee on the advice of the Board;

effective from the next first day of January.

(2) In respect of each day of long service leave actually taken the rate at which supplementary allowance is payable is:

(a) subject to paragraph (b), a rate per day equal to 35.5% of a 365th part of the notional stipend; or

(b) if the Standing Committee, acting on the advice of the Board, fixes another rate per day, the rate so fixed for the time being.

Normal Payment

45. (1) Where an eligible member whose salary or ordinary stipend is paid by a participating diocese, by a parish, institution or organisation in a participating diocese or by a participating organisation, enters upon a period of long service leave -

(a) the member must be paid his or her salary or ordinary stipend in respect of that period of leave either –

(i) in a single payment when the member enters upon the period of leave; or

(ii) at the time or times at which the member’s salary or stipend would have been paid if he or she had not taken leave;

(b) the Board must pay to the diocese in which the member was serving or the participating organisation by which the member was employed immediately before he or she entered upon the leave a sum equal to so much of the notional annual stipend as is apportionable to that period of leave;
(ii) where the salary or ordinary stipend of the member is not paid by the diocese itself the diocese must remit that sum to the parish institution or organisation by which such salary or stipend is paid; and

(c) the Board in addition must pay to the diocese or participating organisation a supplementary allowance in respect of that period of leave and that supplementary allowance must be paid in full to the eligible member.

(2) Upon a payment being made by the Board under this section the liability of the Fund in respect of the eligible member for whose benefit it is paid is discharged to the extent of that payment.

Payment Direct to Member

46. (1) Where an eligible member whose ordinary salary or stipend is not paid by a participating diocese, by a parish institution or organisation in a participating diocese or by a participating organisation enters upon a period of long service leave the Board must pay directly to the member so much of the notional annual stipend as is apportionable to the period of that leave and a corresponding supplementary allowance.

(2) The Board may make the payment under sub-section (1) conditional upon the member entering into such an agreement with it relating to the acceptance by the member of other payments in the nature of stipend salary or wages or the like as the Board deems proper.

Payment in lieu on Death

47. (1) When the qualifying service of an eligible member terminates by reason of the member's death then an amount is to be paid equal to 1/52nd proportion of the notional stipend current at the date of the member's death for each full year of qualifying service rendered together with a proportionate payment for any incomplete year of qualifying service rendered.

(2) The amount payable under sub-section (1) –

(a) is not to include a supplementary allowance; and

(b) is payable to such person or persons as the Board determines.

Payment in Lieu on Resignation or Retirement

48. (1) When the qualifying service of an eligible member terminates other than by reason of the member's death, and -
(a) the member has completed part only of a subsequent period of 5 years qualifying service after completing the member’s first 10 years of qualifying service; and

(b) sub-section 37(3) does not apply;

then the member is to be paid an amount equal to 1/52nd proportion of the then current notional stipend for each full year of qualifying service rendered together with a proportionate payment for any incomplete year of qualifying service rendered.

(2) The amount payable under sub-section (1) is not to include a supplementary allowance.

Payment to Another Fund

48A.54(1) Where the participating diocese or organisation which contributes in respect of an eligible member gives notice to the Board under this section then at the expiration of three months from the date of giving notice the Board is empowered to exercise its discretion under sub-section 48A(2) as if the eligible member had resigned at the expiration of the period of three months.

(2) Where an eligible member resigns and the Board satisfies itself -

(a) that the member intends to continue or resume employment under conditions of employment where contributions are to be made to another fund or organisation whose constitution and rules for the payment of benefits are similar to those of the Fund (“the other Fund”); and

(b) that employment is, or will become, available to the member to take up; the Board in its discretion, exercisable at any time before payment is made under this Part, may decide that this section applies, whether or not the member has completed 10 years of qualifying service.

(3) If the Board decides that this section applies section 48 does not.

(4) Where this section applies and -

(a) the eligible member has completed 10 years or more of qualifying service; or

(b) the eligible member had not completed 10 years of qualifying service but has completed a period of less than 10 years qualifying service fixed under section 37(3);

54 Section 48A added by Canon 6, 1995.
the Board must pay the amount payable under this section either to the other fund or to the member, as the Board sees fit.

(5) Where this section applies but the eligible member has not completed 10 years or more of qualifying service or a period of less than 10 years qualifying service fixed under section 37(3), the Board at its sole discretion may fix the member’s completed service as qualifying service under section 37(3), and must pay the amount payable under this section to the other fund.

(6) The amount payable under this section is an amount equal to 1/52nd proportion of the notional stipend current at the date of resignation for each full year of qualifying service rendered together with a proportionate payment for any incomplete year of qualifying service rendered but does not include a supplementary allowance.

(7) The Board may at any time before payment is made under this section revoke its decision, in which case this section no longer applies and section 48 once again applies.

No Payment in Lieu of Leave

49. Except as provided in this Part payments must not be made to an eligible member in lieu of any long service leave to which the member is entitled under this Canon nor shall any such payment be accepted by the member.

PART VIII: GENERAL

Winding Up

50. (1) In the event of the winding up of the Fund the Board may subject to section 13 but otherwise in its absolute discretion and notwithstanding anything otherwise contained in the Canon:

(a) transfer the Fund to another Fund or organisation whose constitution and rules for the payment of benefits are as nearly as possible similar to those of the Fund, to the end that as nearly as possible the unpaid accruing and accrued benefits still to be paid by the Fund will be received by those persons dioceses and organisations who would have received them had the Fund not been wound up; or

(b) repay the Fund to the participating dioceses or participating organisations or other persons from which and from whom contributions have been received under the Canon which contributions have not given rise to payment by the Fund of supplementary allowance or long service leave.
(2) Any surplus which, following payment of funds or refunds under sub-section (1), it is impracticable to distribute by way of transfer or refund (or both) must be paid to the Anglican Church of Australia Trust Corporation to be applied in the provision of long service leave and other benefits for –

(a) members of the clergy; and

(b) such other categories of persons as are from time to time prescribed by the Standing Committee.

(3) The payment and transfer under this section of all of the Fund discharges the Corporation and the Board from their obligations under this Canon.

Repeal

51. The former Canon is repealed except that (save as provided in this Canon expressly or by necessary implication) all persons things and circumstances appointed or created by or under the former Canon or existing or continuing under it immediately before the date of commencement under and subject to this Canon continue to have the same status operation and effect as they respectively would have had if the former Canon had not been so repealed.
1. This canon may be cited as “Canon concerning authority on certain matters 1989”.

2. Whenever a canon gives any power or discretion to the bishop of the diocese, the synod of the diocese, by ordinance, or the diocesan council, bishop-in-council or standing committee of the synod, by resolution, may, with the concurrence of the bishop, vest such power or discretion exclusively or non-exclusively in an assistant bishop of the diocese or in the bishop-in-council or the standing committee of the synod of the diocese or in such other officials of the diocese as may be considered appropriate.

3. Except where otherwise provided in a canon of the General Synod, each metropolitan, or, in the case of an extra-provincial diocese, the Primate, is empowered to grant such licences, dispensations or faculties as were able to be granted by the Archbishop of Canterbury within the Church of England in England as at 31 December 1961.

4. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

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55 This canon was passed provisionally as Canon P2, 1989.
AUTHORISED LAY MINISTRY CANON 1992

Canon 17, 1992

A canon concerning authorised lay ministry

Whereas ministry is of the essence of the life of the whole body of Christ:
and whereas all baptised persons are called to minister in the Church and in the world:
and whereas certain persons are called to a public and representative lay ministry within and
on behalf of this Church:
and whereas it is desirable for the sake of decency and good order within this Church to
recognise and regulate certain of those public and representative ministries:
now therefore the General Synod prescribes as follows:

Short title
1. This canon may be cited as the Authorised Lay Ministry Canon 1992

Definition
2. In this canon, “lay ministry” means a lay ministry referred to in section 3 but does
not include any function required by the discipline or doctrine of this Church to be
exercised or performed only by a deacon, priest or bishop.

Authority
3. (1) A lay person who is a communicant member of this Church may be authorised
by the bishop of a diocese to exercise within and for this Church in that diocese
one or more of the following lay ministries:
   (a) the reading and conduct of authorised services of this Church;
   (b) the preaching of sermons;
   (c) assistance to the priest in the ministration and distribution of the Holy
       Communion;
   (d) any other lay ministry declared by the bishop of the diocese to be an
       authorised lay ministry for the purposes of this canon.

(2) An authority under sub-section (1) may be limited by reference to all or any of
the following:
   (a) the nature of the functions authorised to be performed;
(b) the person or persons at whose request or by whose authority the functions may be performed;
(c) the place at which and the period during which the functions may be performed.

(3) The bishop of a diocese may revoke an authority given under this section.

Diocesan bishop may prescribe certain rules

4. Except as otherwise provided by the synod of the diocese, the bishop of a diocese may prescribe -
   (a) the qualifications of persons who may be authorised to exercise a particular lay ministry;
   (b) the procedure for authorising persons to exercise a particular lay ministry;
   (c) the form of an authority to exercise a particular lay ministry;
   (d) the duties and functions which may be performed under an authority to exercise a particular lay ministry.
   (e) the manner in which the duties and functions of a particular lay ministry are to be performed; and
   (f) the vesture to be worn by persons performing any particular function in accordance with an authority to exercise a particular lay ministry.

Authority of bishop

5. The provisions of this canon shall not operate to restrict any authority of the bishop or synod of a diocese or to preclude any practice in a diocese relating to a particular lay ministry.

Repeal

6. The Lay Assistants at Holy Communion Canon 1973 ceases to have effect in a diocese that adopts this canon by ordinance of the synod of the diocese.

Coming into force by adoption

7. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.
A canon to clarify the operation of certain law of the Church of England applicable to and in force in the several dioceses of the Anglican Church of Australia

Whereas this Synod desires -

(a) to maintain the unity in diversity of this Church;
(b) to acknowledge that there are differences of conviction about the ordination of women to the office of priest; and
(c) to clarify the extent to which certain law of the Church of England is applicable to and in force in certain dioceses of this Church.

The General Synod therefore prescribes as follows:

Title

1. This canon may be cited as the Law of the Church of England Clarification Canon 1992

Interpretation

2. In this canon -

“diocese” means a diocese of the Anglican Church of Australia;
“ordinance” has the meaning ascribed to it in section 74 of the Constitution.

The effect of certain English law in a diocese

3. (1) Upon the adoption by ordinance of this canon by a diocese -

(a) any law of the Church of England that, immediately before such adoption:

(i) was applicable to and in force in the diocese whether by virtue of a provision of the Constitution or otherwise; and
(ii) prevented the ordination of a woman to the office of priest;

ceases, to the extent only that it prevented the ordination of a woman to the office of priest, to be applicable to or in force in that diocese; and

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56 This canon was passed provisionally as Canon P2, 1989.
(b) a bishop when ordaining a person to the office of priest in a diocese, shall comply with any other conditions or restrictions with respect to ordination to the office of priest as are for the time being imposed by the law of this Church applicable to and in force in the diocese.

(2) In a diocese which does not adopt this canon nothing contained in this section shall affect the continued operation of any law of the Church of England applicable to and in force in that diocese which prevents the ordination of a woman to the office of priest.

Interpretation of “law of the Church of England”

4. In section 3 a reference to a law of the Church of England shall be read as including a reference to a rule relating to discipline, a principle, a practice or a tradition of the Church of England.

Removal of doubt

5. For the removal of any doubt:

   (1) it is hereby declared that, subject to section 3(1)(b), the bishop of a diocese which adopts this canon may ordain any person to the office of priest; and

   (2) nothing contained in this canon shall authorise the bishop of a diocese which does not adopt this canon to ordain a woman to the office of priest.

Canon affects dioceses

6. This canon affects the order and good government of the Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.
CONSTITUTION OF A Diocese Alteration
Canon 1995

Canon 3, 1995

A canon to prescribe a method of alteration of the constitution of a diocese

By virtue of the powers contained in section 50 of the Constitution, the General Synod prescribes as follows:

Title
1. This canon may be cited as the “Constitution of a Diocese Alteration Canon 1995”.

Alteration of Constitution of a diocese
2. Subject to the Constitution, the constitution of a diocese may be altered by an ordinance of the synod of that diocese provided that such ordinance:
   (a) is passed by -
      (i) a majority of two-thirds of the members of the House of Laity of the Synod present and voting; and
      (ii) a majority of two-thirds of the members of the House of Clergy of the Synod present and voting -
            at the same sitting of the Synod; and
   (b) is confirmed by resolution passed in like manner within 3 years at a subsequent sitting of the same Synod or at a sitting of a later Synod; and
   (c) is assented to in writing by the bishop.

Date of alteration
3. An alteration to the constitution of a diocese made in accordance with this canon shall take effect on and from the date on which it is assented to by the bishop or, if the ordinance provides for it to take effect on a later date, on that later date.

Other means of alteration not affected
4. This canon shall not prevent the constitution of a diocese from being altered in accordance therewith.
Canon affects the order and good government of a diocese

5. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.
Allocation of Funds Canon 1995

Canon 7, 1995

A canon to authorise the dispersal of surplus funds held within the accounts of General Synod for which no other provision has been made

Whereas -

A. by Deed bearing date 17 August 1979 made between N.M. Cameron as Settlor and the Anglican Church Trust Corporation, a fund therein and herein called the Settled Fund was established to be used for the promotion of religion in Australia by such means as the General Synod may determine from time to time by canon,

B. certain monies have accrued to the General Synod accounts by way of interest, gifts, trading profits and otherwise,

C. it is expedient to make provision for the dispersal of such moneys:

now the General Synod prescribes as follows:

1. This canon may be cited as the “Allocation of Funds Canon 1995”.

2. Subject to sections 3 and 5, the Settled Fund or any part thereof may, under the authority of a resolution of the Standing Committee:

   (a) be paid into the General or Statutory Fund of the General Synod;

   (b) be used to pay in whole or in part any budget item which has been included in any budget of the General Synod in respect of which item an assessment for the Special Fund has been levied.

3. No payment shall be made under section 2 unless the Standing Committee is satisfied that such payment is for the promotion of religion in Australia.

4. Subject to section 5, any moneys of the General Synod other than those accruing by virtue of an assessment made under section 32 of the Constitution or any Special Assessment may, under the authority of the Standing Committee, be paid out in either of the ways specified in section 2 or otherwise for the benefit of The Anglican Church of Australia, any diocese thereof or any church in communion with The Anglican Church of Australia.

5. This Canon shall not apply to any moneys held by General Synod on trust for any particular persons or purposes other than the Settled Fund.
INTERPRETATION CANON 1995

Canon 10, 1995

A canon concerning the Interpretation of Canons

The General Synod prescribes as follows:

Short title

1. This canon may be cited as the “Interpretation Canon 1995”.

Definition of canon

2. In this canon, except section 3, “canon” means canon, rule or resolution made by General Synod under Chapter V of the Constitution and includes the Standing Orders of General Synod.

Application to canons

3. Except so far as the contrary intention appears, this canon applies to -
   (a) this canon; and
   (b) all canons made by General Synod on or after 1 January 1996; and
   (c) all rules and resolutions made by General Synod under Chapter V of the Constitution made on or after that date; and
   (d) the Standing Orders of General Synod made on or after that date.

Definitions in section 74(1) and (2) of the Constitution

4. Except so far as the contrary intention appears, a word or expression that is defined in section 74(1) and (2) of the Constitution, has, when used in a canon, the same meaning in the canon as it has in the Constitution.

Effect of repeal of canon

5. (1) The repeal of a canon, or part of a canon, by which a previous canon or part of a canon was repealed does not have the effect of reviving the previous canon or part.

   (2) If a canon repeals in whole or in part a former canon, the repeal does not -
      (a) revive anything not in force or existing at the time at which the repeal takes effect; or
      (b) affect the previous operation of a canon so repealed, or anything done or suffered under a canon so repealed; or
(c) affect a right, privilege, obligation or liability acquired or incurred under a canon so repealed; or

(d) affect any investigation, proceeding or remedy in respect of such a right, privilege, obligation or liability -

and any such investigation, proceeding or remedy may be instituted, continued or enforced as if the repealing canon had not been made.

References to amended or re-enacted canons

6. If a canon contains a reference to a short title that is or was provided by another canon for the citation of that other canon as originally made, or as amended, then, except so far as the contrary intention appears -

(a) the reference shall be construed as a reference to that other canon as originally made and as amended from time to time; and

(b) if that other canon has been repealed and re-made, with or without modifications, the reference shall be construed as including a reference to the re-made canon as originally made and as amended from time to time and, where, in connection with that reference, particular provisions of the repealed canon are referred to, being provisions to which provisions of the re-made canon correspond, the reference to those particular provisions shall be construed as including a reference to those corresponding provisions.

Parts of speech and grammatical forms

7. In a canon, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

Gender and number

8. In a canon, unless the contrary intention appears -

(a) words importing a gender include every other gender; and

(b) words in the singular number include the plural and words in the plural number include the singular.

References to month or time

9. (1) In a canon, unless the contrary intention appears -

“month” means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.
(2) Where, in a canon, any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event.

(3) Where the last day of any period prescribed or allowed by a canon for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

**References to writing, documents and records**

10 In a canon, unless the contrary intention appears -

“document” includes -

(a) any paper or other material on which there is writing; and

(b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and

(c) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or service;

“record” includes information stored or recorded by means of a computer;

“writing” includes any mode of representing or reproducing words, figures, drawings, or symbols in a visible form.

**Construction of rules made under canons**

11. If a canon confers power to make a rule or regulation, expressions used in a rule or regulation made in the exercise of that power, shall, unless the contrary intention appears, have the same respective meanings as they have in the canon conferring the power as amended and in force for the time being (or if not used in the canon, would have if so used).

**Repeal of Rule XIX**

12. (1) Rule XIX (Rule re Interpretation) is repealed.

(2) The repeal of Rule XIX does not affect its application to canons made before 1 January 1996.
ARCHDEACONS CANON 1995

Canon 12, 1995

A canon concerning Archdeacons

The General Synod prescribes as follows -

1. This Canon may be cited as the “Archdeacons Canon 1995”.

Authority

2. A Bishop may, subject to compliance with any diocesan legislation, collate a qualified person as an Archdeacon either for a set period or until the next vacancy in the See or otherwise as permitted by diocesan legislation or custom.

Qualified person

3. A person is qualified to be collated as Archdeacon if that person is in Holy Orders.

Coming into force by adoption

4. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.
PRAYER BOOK FOR AUSTRALIA
CANON 1995

Canon 13, 1995

A canon to authorise use of A Prayer Book for Australia and for related purposes

The General Synod prescribes as follows:

1. This canon may be cited as the “Prayer Book for Australia Canon 1995”.

2. In this canon, unless the contrary intention appears - “A Prayer Book for Australia” means the prayer book prepared by the Liturgical Commission under the name “A Prayer Book for Australia” and amended and approved by Synod on the sixth day of July 1995, subtitled “For use together with the Book of Common Prayer 1662 and An Australian Prayer Book 1978, liturgical resources authorized by the General Synod”; “Book of Common Prayer” has the same meaning as in the Constitution; “Constitution” means the Constitution of The Anglican Church of Australia; “this Church” means The Anglican Church of Australia.

3. (1) The use of A Prayer Book for Australia by this Church is hereby authorised.

(2) The admission of persons to an office of bishop, priest or deacon in this Church in accordance with the appropriate form in the Ordinal included in A Prayer Book for Australia is hereby authorised.

(3) Nothing in this Canon affects:

(a) the use of the Book of Common Prayer in accordance with the provisions of the Constitution:

or

(b) the admission of a person to an office of bishop, priest or deacon in this Church as if this canon had not been made;

or

(c) the use of an An Australian Prayer Book in accordance with the Australian Prayer Book Canon 1977;

or

(d) the use of deviations from An Australian Prayer Book in accordance with the Australian Prayer Book Canon 1977.
(4) Nothing in this Canon, or in the Australian Prayer Book Canon 1977 affects the continued operation of the second and third provisos to section 4 of the Constitution with regard to the use of deviations from the Book of Common Prayer.

4. The authorisation of A Prayer Book for Australia in no way diminishes the authority of the Book of Common Prayer and the Thirty-nine Articles as the authorised standard of worship and doctrine of the Church as declared in the Constitution.

5. The synod of a diocese may, by ordinance, regulate the use of A Prayer Book for Australia at services held in the diocese.

6. (1) Subject to this section, the bishop of a diocese may, upon request being submitted to him, authorise deviations from A Prayer Book for Australia.

(2) The procedures set out in the second and third provisos to section 4 of the Constitution apply to and in relation to the submission of requests to the bishop of a diocese under sub-section (1) in like manner as they apply to and in relation to the submission of requests for deviations from the Book of Common Prayer.

(3) Nothing in this section permits a deviation contravening a principle of doctrine or worship referred to in section 4 of the Constitution.

7. A person made deacon, ordained priest or consecrated bishop in The Anglican Church of Australia in accordance with a form in the Ordinal contained in A Prayer Book for Australia is, for the purposes of the application of Article 36 of the Articles of Religion, sometimes called the 39 Articles, rightly, orderly and lawfully made, ordained or consecrated, as the case may be.

8. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.
**Financial Protection Canon 1995**

*Canon 16, 1995 as amended by Canon 04, 2007*

*A canon to assist in the responsible financial management of the Church and its associated organisations*

The General Synod prescribes as follows:

1. This canon may be cited as the “Financial Protection Canon 1995”.

2. In this canon, “Organisation” means an entity within the meaning of Australian Accounting Standards which is established or governed by a resolution or a canon of the General Synod that the Standing Committee by resolution certifies to be an organisation to which this canon applies.

3. (1) An Organisation shall once in each calendar year submit to the Standing Committee an annual report in form to be prescribed from time to time by the Standing Committee. The annual report will include such financial or other information as the Standing Committee may prescribe from time to time. Without limitation, the report to be prescribed by the Standing Committee from time to time may include audited financial statements or other information which may be reasonably required by the Standing Committee in relation to any audit carried out or from the auditor who has undertaken an audit.

   (2) The Standing Committee shall, in its Report to each session of General Synod include a list of the organisations who are required to submit an annual report under this section and include such comments or the annual report as the Standing Committee considers appropriate.

4. An organisation shall maintain such financial procedures and controls as are prescribed by the Standing Committee from time to time.

5. The Primate (on sufficient cause being demonstrated) may appoint a person to review the management and financial affairs of an Organisation and report on such a review to the Standing Committee.

6. An Organisation in respect of which an appointment under section 5 is made shall co-operate fully with the person appointed and disclose a true full and fair account of its activities to such person.

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57 Section 2 amended by Canon 04, 2007

58 Section 3 amended and new words added by Canon 04, 2007.
7. The Standing Committee may by resolution request any Organisation to supply to the General Secretary any information relating to the financial affairs of the Organisation that the Standing Committee in its absolute discretion considers necessary to obtain.

8. An Organisation to whom the Standing Committee makes a request pursuant to section 7 shall comply with that request to the best of its ability within the time specified in the request or, if no time is specified within 14 days of receipt of a notice of such request signed by the Primate or the General Secretary. A request shall be considered as received when it is served on the Chairman, Secretary or Chief Executive Officer of the Organisation whichever first occurs.

9. Should an Organisation not fully co-operate with the person appointed under section 5 or comply with a request under section 7 within the relevant time the Treasurer of General Synod or a person authorised in writing by the Treasurer of General Synod is hereby authorised to obtain all information about the financial affairs of the Organisation from its bankers, accountants, auditors and solicitors as such Treasurer or person may reasonably require, and such Organisation shall be taken to have waived any privilege or obligation or confidentiality that would otherwise operate to prevent the disclosure of such information.

10. It is not a breach of the duty of confidentiality owed by the member of a board or an employee of an Organisation to disclose information, including documents, relating to the financial affairs of an Organisation to the Primate, General Secretary or Treasurer of General Synod if that person considers that such information is important to be in the possession of the General Synod’s Officers for the good of this Church as a whole.

11. Any information received by the Primate, General Secretary or Treasurer of General Synod may be provided to the Standing Committee and its duly authorised officers without breach of any duty of confidentiality.

12. In this canon, “Financial Affairs” means any activity of an Organisation which may reasonably be considered may affect the finances of the General Synod or of the Organisation or the name and reputation of this Church.

13. Any provision in any other canon inconsistent with the provision of this canon shall give way to the provisions of this canon.

**SCHEDULE**

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59 Schedule deleted by Canon 04, 2007.
BISHOP (INCOMPETENCY) CANON 1995

Canon 18, 1995 as amended by
Canon 1, 1998

A canon to provide for the vacation of the See of a bishop incapable of fulfilling office and for other purposes

The General Synod prescribes as follows:

Short title

1. This canon may be cited as the “Bishop (Incapacity) Canon 1995”.

Definitions

2. In this canon -

   “incapable”, in relation to a person who is the bishop of a diocese, means -

   (a) incapable, continuously or intermittently, of managing the person’s affairs; or

   (b) by reason of a physical or mental disability of any kind, unable, continuously or intermittently, to make reasonable judgments in respect of matters relating to all or any part of the carrying out of the person’s affairs or the affairs of the person’s office as the bishop of the diocese;

   “registrar”, in relation to a diocese, means the person holding office as the chief executive officer (by whatever name called) of the registry of the bishop of the diocese, and includes a person acting in such an office;

   “relevant Metropolitan”, in relation to the bishop of a diocese, means -

   (a) unless paragraph (c) or (d) applies, the Metropolitan of the Province in which the diocese is situated; or

   (b) if the diocese is an extra provincial diocese, the Primate; or

   (c) if the bishop is the Metropolitan but not the Primate, the Primate; or

   (d) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration.
Where court, tribunal or other body determines bishop incapable

3. (1) If a court, tribunal or other body established by law having authority to make such orders, makes an order an effect of which is that a person who is the bishop of a diocese is declared, determined or otherwise found to be incapable, the relevant Metropolitan may, subject to section 12, by notice in writing given to the registrar of the bishop’s diocese, declare the See vacant.

(2) The relevant Metropolitan, before making a declaration under sub-section (1), shall make or cause to be made an enquiry of a chancellor of a diocese of the Anglican Church of Australia and such other enquiries as the relevant Metropolitan thinks fit.

(3) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the bishop to whom it relates, to the registrar of the relevant Metropolitan’s diocese and, unless the bishop is the Primate, to the Primate.

Where suspected inability reported to relevant Metropolitan

4. If three members of the synod of a diocese consider on reasonable grounds that the bishop of the diocese may be incapable, those members may, in writing, report the matter to the relevant Metropolitan.

Relevant Metropolitan may appoint panel of inquiry

5. (1) The relevant Metropolitan, upon receiving a report under section 4, may, if the relevant Metropolitan considers it appropriate, appoint a panel to inquire into the matter the subject of the report.

(2) The panel shall consist of at least 3 persons appointed by the relevant Metropolitan, at least one of whom is a qualified medical practitioner and at least one of whom is a qualified legal practitioner.

(3) The relevant Metropolitan shall appoint one of the members of the panel to chair the panel.

(4) Subject to this canon, the panel shall determine its own procedure.

Authority to Disclose Information

6. This canon shall be sufficient authority from the Bishop concerned, who shall be deemed to have given such authority, for any medical practitioner who has treated the Bishop at any time in the previous 2 years to disclose information relating to the Bishop’s medical condition to the panel, or the Tribunal, or any member thereof.

60 Cross references in sections 3,8,9,10 and 11 were amended by Canon 1, 1998.
Report by panel

7. (1) A panel appointed under this canon shall report to the relevant Metropolitan within 2 months after being appointed or, if the relevant Metropolitan approves a longer period, within that longer period.

(2) The relevant Metropolitan -
   (a) shall send a copy of the report of the panel to the bishop of the diocese; and
   (b) if the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, shall, in writing, ask the bishop for a response to the report within 21 days after the bishop receives the copy.

Suspension of bishop from office

8. (1) If the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, the relevant Metropolitan may, by notice given to the bishop, suspend the bishop from office.

(2) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

(3) The suspension -
   (a) has effect as an absence of the bishop from the See; and
   (b) ceases to have effect -
      (i) upon a determination by a tribunal appointed under section 10 or 11 that the bishop is not incapable; or
      (ii) upon the See becoming vacant (whether or not under this canon) which ever first occurs.

See may be declared vacant if report not contested

9. (1) Unless the bishop of a diocese to whom a report is sent under section 7 contests the report in accordance with section 10, the relevant Metropolitan may, subject to section 12 by notice given to the bishop, declare the See vacant.

(2) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.
Where report of panel contested

10. (1) If the bishop of a diocese, by notice in writing given to the relevant Metropolitan within 21 days after receiving the copy of a report under section 7, contests the report, the relevant Metropolitan shall appoint a tribunal to determine the matter.

(2) The tribunal shall consist of 3 persons appointed by the relevant Metropolitan of whom one shall be a chancellor of a diocese of the Anglican Church of Australia, who shall be president of the tribunal, one shall be a bishop of another such diocese and one shall be a qualified medical practitioner.

(3) A person who has been concerned in any way with an investigation or report into the capacity of the bishop, or who is or has been a member of the synod of that diocese while that bishop has been the bishop of the diocese, is ineligible to be a member of a tribunal appointed under this section in relation to the bishop.

(4) Subject to this canon, the tribunal shall determine its own procedure.

Determination by tribunal under section 9 and appeal

11. (1) The tribunal under section 10 shall determine whether or not, in its opinion, the bishop of the diocese is incapable and shall report its determination in writing to the relevant Metropolitan.

(2) The relevant Metropolitan shall give a copy of the determination of the tribunal under section 10 to the bishop to whom it relates and to the registrar of the bishop's diocese.

(3) The bishop may appeal, on a question of law only, from a determination of the tribunal under section 10 to a tribunal consisting of the members for the time being of the Appellate Tribunal.

(4) Subject to this canon, the procedure of a tribunal under this section shall, so far as practicable, be the procedure of the Appellate Tribunal.

(5) If the bishop does not, within 7 days after a copy is given to the bishop or the registrar of the bishop's diocese, whichever is the later, of a determination of the tribunal under section 10 that the bishop is incapable, give notice in writing to the Registrar of the Appellate Tribunal of an appeal to the tribunal under this section on a question of law, the relevant Metropolitan may, subject to section 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.
If the bishop appeals on a question of law in accordance with sub-section (5) and the tribunal under this section, in determining the appeal, upholds the determination of the tribunal under section 10, the relevant Metropolitan may, subject to section 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.

The relevant Metropolitan shall cause a copy of a notice under sub-section (5) or (6) to be given to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

Despite section 8(3), if a bishop who is suspended from office under section 8(1) appeals to a tribunal under this section, the suspension continues until -

(a) the tribunal under this section determines that the bishop is not incapable; or

(b) the See becomes vacant (whether or not under this canon) - whichever first occurs.

Consultation with Diocesan Council or Standing Committee

Before declaring a See vacant in accordance with the provisions of this canon the relevant Metropolitan shall convene a meeting in the diocese concerned, of the members of the relevant Diocesan Council or Standing Committee in order to consult with them as to the making or implementation of any declaration of the vacancy in the See.

Reimbursement by Diocese of Expenditure

Any expenditure incurred by the relevant metropolitan in the administration of this Canon in relation to the Bishop of a Diocese, including expenses incurred in relation to the panel and any Tribunal shall be paid or reimbursed by that Diocese.

Canon affects order and good government

This canon affects the order and good government of this Church and shall not come into operation in a diocese unless and until the diocese adopts and assents to this canon by ordinance of the synod of the diocese.

Determination VI, 1891 to cease to have effect

The Determination of the General Synod of the Dioceses in Australia and Tasmania made on 3 October 1891 ceases to have effect in a diocese which adopts this canon.

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Sub-section 11(8) amended by Canon 1, 1998.
A Canon to make provision for formalising a Council to represent the interests of Aboriginal and Torres Strait Islander members of the Church

The General Synod prescribes as follows:-

**PART I: PRELIMINARY**

1. This Canon may be cited as the “National Aboriginal and Torres Strait Islander Anglican Council Canon 1998”.

2. This Canon is divided into the following parts -
   - Part I - Preliminary.
   - Part II - National Aboriginal and Torres Strait Islander Anglican Council.
   - Part III - Non-diocesan representatives of General Synod.

3. (1) Parts I and II of this Canon shall come into force on 1 April 1998.

   (2) Part III of this Canon shall come into force on the date on which the Constitution Alteration (Composition of General Synod) Canon 1998 comes into effect.

**Part II - National Aboriginal and Torres Strait Islander Anglican Council**

4. There shall be a National Aboriginal and Torres Strait Islander Anglican Council, which in this Canon is called “the Council”.

5.63 The members of the Council shall be -
   - (1) each Aboriginal bishop and Torres Strait Islander bishop holding an office in this Church who shall between them have episcopal care of the Council;
   - (2) three persons in holy orders and three lay persons residing in the Torres Strait Region of the diocese of North Queensland (or if there is no such Region,
residing in the Torres Strait) nominated for membership by the bishop of the diocese of North Queensland;

(3) four persons nominated by the bishop of the Northern Territory and four persons nominated by the bishop of North West Australia;

(4) one Aboriginal person and one Torres Strait Islander person resident in each diocese other than those referred to in sub-sections (2) and (3) nominated for membership by the bishop of that diocese;

(5) not more than ten other persons elected by the Council.

6. To be qualified to be a member of the Council a person must -
   
   (a) be a communicant member of this Church;
   
   (b) have attained the age of 18 years;
   
   (c) be an Aboriginal or Torres Strait Islander; and
   
   (d) in the case of a person in holy orders (other than a diocesan bishop) hold a licence from a bishop of a diocese of this Church.

7. Each member nominated by a diocesan bishop or elected by the Council shall hold office until 30 April in the second year following his or her appointment and shall be eligible for reappointment provided that he or she remains qualified for appointment.

8. A person shall cease to be a member of the Council should he or she resign to the Primate, cease to be qualified to be a member of the Council, have his or her estate administered in insolvency or be declared by any court of competent jurisdiction to be incapable of managing his or her affairs.

9. The Chairman and Deputy Chairman of the Council are to be elected at the first meeting of the Council after 1 May in each even year to hold office until 30 April in the next following even year.

10. The Council may co-opt no more than two persons who may, but need not be, Aboriginal or Torres Strait Islander persons as consultants to the Council for such term as the Council thinks fit. A consultant has the right to receive all notices of meeting and minutes and to speak at meetings of the Council, but not to propose motions or vote.

11. The functions of the Council are:-

   (1) to assist in the provision of pastoral care to Aboriginal and/or Torres Strait Islander people;
   
   (2) to assist, encourage and resource Aboriginal and/or Torres Strait Islander ministries in Australia;
(3) to assist in the development and recognition of Aboriginal and/or Torres Strait Islander ministries;

(4) to receive funding from the Church and Governments, to budget resources and allocate funds;

(5) to assist in the arrangements for the Scriptures, the liturgy and any other useful document to be translated into languages understood by Aboriginal and/or Torres Strait Islander persons or any group of such persons;

(6) to assist in the provision of Christian education for Aboriginal and/or Torres Strait Islander people;

(7) to assist in the reconciliation amongst Aboriginal, Torres Strait Islander people and the general community;

(8) to liaise with other General Synod bodies;

(9) to assist in the provision of liturgical resources;

(10) to assist in the provision of theological education;

(11) to celebrate Aboriginal and/or Torres Strait Islander culture within the Anglican Church of Australia;

(12) to be a channel of spiritual growth;

(13) to do all such acts and things incidental to the above objects or any of them.

12. The Standing Committee of General Synod may confer additional functions on the Council by resolution, provided that, unless such resolution is confirmed by the General Synod at its next succeeding ordinary session, the additional functions shall then lapse, but not so as to affect the validity of anything done before such lapsing.

13. The Council may, within its budget, make contracts and appoint such staff as it considers necessary to fulfil its functions.

14. The Council shall appoint up to six of its members to be its contracting agents. A contract signed by two contracting agents shall bind the Council.

15. The Council shall comply with the Financial Protection Canon 1995 and all other relevant canons and rules of the General Synod.

16. The Council shall report in writing to each ordinary session of General Synod as to its activities, needs and any other matter it considers appropriate.
PART III: NON-DIOCESAN REPRESENTATIVES OF GENERAL SYNOD

17. The Council is appointed to be the body for the purpose of sub-section 17(8) of the Constitution to recommend to the Primate the names of persons for appointment as non-diocesan representatives of the General Synod. At the request of the Primate the Council shall provide the names of the persons elected by the Council for nomination to the Primate.

18. A person who is qualified to be a member of the Council is qualified to be a non-diocesan representative of the General Synod if that person is not a diocesan bishop or (with regard to the General Synod) a clerical or lay representative of a diocese.

19. When the Primate by mandate summons the diocesan bishops to convene clerical and lay representatives to an ordinary or special session of the General Synod the Primate shall -

(a) appoint non-diocesan representatives of the General Synod being persons nominated by the Council, each of whom shall hold office so long as he or she remains qualified to do so until his or her successor is appointed or until he or she sooner resigns;

(b) call such non-diocesan representatives to the session of the General Synod;

(c) cause bills for canons and other documents circulated to dioceses or accompanying the mandate to diocesan bishops to be sent to non-diocesan representatives of the General Synod.
Strategic Issues, Commissions, Task Forces and Networks
Canon 1998

Canon 19, 1998 as amended by
Canon 12, 2001
Canon 04, 2004
Canon 06, 2004
Canon 03, 2007

A Canon to enable the consideration of strategic issues and for the appointment of Task Forces, expert Reference Commissions and General Synod Networks

The General Synod prescribes as follows:

Part I: Preliminary

1. The Canon is divided into the following parts as follows:
   Part I Preliminary
   Part II Strategic Issues
   Part III Task Forces
   Part IV Reference Commissions
   Part V General Synod Networks
   Part VI General
   Part VII Repeal and Transitional
   Part VIII Title

Part II: Strategic Issues

2. The Standing Committee and all the Commissions and Task Forces created under this Canon, in undertaking their functions, will focus their efforts primarily on outreach, the promotion of the Gospel and ensuring the engagement of the Anglican Church with the culture in which we live.

64 This canon was passed provisionally as Canon P2, 1989.
65 Amended by Canon 12, 2001
66 Amended by Canon 12, 2001
67 Amended by Canon 12, 2001
3. The Standing Committee shall consider issues of strategic importance to this Church and shall, at the first meeting of Standing Committee following each session of General Synod, ensure that steps are taken to identify the specific strategic issues to be addressed in the period prior to the next session.

4. The General Secretary, the Primate, a member of the Standing Committee, the Bishops’ Conference, a Diocese, an organisation determined by the Standing Committee to be a national Anglican organisation and a General Synod Network may at any time propose to the Standing Committee strategic issues for consideration.

5. The Standing Committee may seek voluntary or remunerated expert advice on strategic issues.

**PART III: TASK FORCES**

6. The Standing Committee may establish a Task Force to deal with any issue, project or task or to achieve a specific purpose in any area of the mission of this church to be determined by the Standing Committee with such terms of reference and within such time as the Standing Committee determines.

7. The chairperson and other members of each Task Force will be appointed by the Primate on the advice of the Standing Committee for such period and on such basis as the Standing Committee shall determine.

**PART IV: REFERENCE COMMISSIONS**

8. The following expert Reference Commissions are established:

   (a) The Doctrine Commission;
   (b) The Ministry Commission;
   (c) The Liturgy Commission;
   (d) The Church Law Commission;
   (e) The Professional Standards Commission.

**Additional Commissions**

8A. The Standing Committee of General Synod may establish additional expert Reference Commissions and define the functions and term of such Commissions provided that the continuation of any such Commission be ratified by the next meeting of General Synod.

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68 Replaced by Canon 12, 2001
69 Replaced by Canon 12, 2001
70 Replaced by Canon 12, 2001
71 S. 8(e) added by Canon 06, 2004
72 Subsection 8A added by Canon 12, 2001
9. The functions of the Doctrine Commission are:
   (a) to examine questions of doctrine, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee, and
   (b) to make recommendations to the Standing Committee on matters of doctrine which are of importance to this church.

10. The functions of the Ministry Commission are:
   (a) to examine questions of mission in this church on all matters dealing with the competency of ordained and authorised lay ministry, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and to the Standing Committee, and
   (b) to make recommendations to the Standing Committee on matters of mission and ministry which are of importance to this church.

11. The functions of the Liturgy Commission are:
   (a) To examine questions of liturgy referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee.
   (b) To advise the Primate, the Standing Committee or the General Synod, on matters relating to the creative nurture and renewal of the liturgical life of this church.

12. The functions of the Church Law Commission are:
   (a) to examine questions of Church law referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee.
   (b) to make recommendations to the Standing Committee on matters of church law which are of importance to this church.

12A. The functions of the Professional Standards Commission are:
   (a) to examine questions of professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee;
   (b) to make recommendations to the Standing Committee on matters relating to professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.

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73 Replaced by Canon 12, 2001
74 Added by Canon 06, 2004
13. An expert Reference Commission may, with the leave of the Standing Committee pursue terms of reference arising from that Commission’s own deliberations.

14. The Chairperson and other members of each Reference Commission will be appointed by the Primate on the advice of the Standing Committee. A member of a Reference Commission need not be a member of General Synod and save in the case of a Commission established under section 8A, shall serve for a 5 year renewable term. The Standing Committee shall determine the number of members of an expert Reference Commission.

15. An expert Reference Commission may co-opt additional members according to conditions laid down by the Standing Committee.

**PART V: GENERAL SYNOD NETWORKS**

16. The Standing Committee may facilitate the formation or recognition of a Network of people engaged in a discrete area of ministry.

17. The functions of a General Synod Network are:
   (a) To share information and ideas among those with common concerns;
   (b) To facilitate joint action by the members of the Network from within their own shared resources;
   (c) To communicate with Standing Committee on issues of significance.

**PART VI: GENERAL**

18. A member of a Reference Commission may resign his or her office in writing signed by him or her and delivered to the General Secretary.

19. A Task Force or Reference Commission may meet at such times and places as it determines, or in the absence of such a determination as the Chairperson determines.

20. Subject to this Canon a Task Force or expert Reference Commission may regulate the manner of its exercising its powers and performing its functions as it thinks fit.

21. Each Task Force, General Synod Network and expert Reference Commission will report to the Standing Committee at such times and on such basis as the Standing Committee may from time to time require.

22. The Standing Committee shall determine the budget for each Task Force, General Synod Network and Reference Commission.

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75 Amended by Canon 12, 2001
76 Repealed by Canon 12, 2001
77 Amended by Canon 12, 2001
78 Amended by Canon 12, 2001
24. (1) The Standing Committee may appoint not more than three alternate members of a Reference Commission.

(2) Where the chairperson of a Reference Commission is aware that a substantive member of the Reference Commission will be unable to attend a meeting of the Reference Commission, the chairperson may invite one of the alternate members to attend the meeting in the place of that member.

(3) The chairperson of an expert Reference Commission may invite all or any of the alternate members to attend a meeting of the Reference Commission otherwise than in place of a member who will be absent if, but only if, the attendance of the member or members will not involve the Commission’s expenditure in the year in which the meeting is held exceeding the budgeted estimate for the year.

(4) An alternate member who attends a meeting of an expert Reference Commission as provided in sub-section (3) is not entitled to vote at the meeting.

25. At the request of the chairperson of a Reference Commission the Primate may approve the calling of a consultant to attend a meeting of that Commission and the payment of the fare of the consultant for travel within Australia.

26. A Task Force or expert Reference Commission established by or pursuant to the provisions of this canon is a Commission within the meaning of Section 35 of the Constitution of this Church.

PART VII: REPEAL AND TRANSITIONAL


(2) A reference in a Canon or Rule to a Commission defined in or provided for or created by or pursuant to the repealed canon is a reference to such Reference Commission or Task Force as the Standing Committee may determine from time to time for the purpose of that reference.

PART VIII: TITLE

28. This Canon may be cited as the “Strategic Issues, Commissions, Task Forces and Networks Canon 1998.”

79 Amended by Canon 12, 2001
80 Sec. 27 (2) repealed, 27 (3) renumbered as 27 (2), and new 27 (3) added by Canon 12, 2001; Sub-section (3) subsequently repealed by Canon 03, 2007.
81 Amended by Canon 12, 2001
LITURGY PUBLISHING
CANON 2001

Canon No. 5, 2001

A canon to provide for the publishing of liturgical texts and other material

The General Synod prescribes as follows:

PART I: INTRODUCTORY

Title

1. This Canon may be cited as the “Liturgy Publishing Canon 2001”.

Definitions

2. Except in so far as the context or subject matter otherwise requires or indicates:
   “Committee” means the Committee established and constituted in accordance with the provisions of this Canon;
   “Company” means the Company formed by the Committee in accordance with the provisions of this Canon;
   “Liturgical Text” means the text of any liturgy or liturgical material approved for use in this Church in accordance with its Constitution and Canons and such material prepared by the General Synod Liturgy Panel approved for trial use;
   “The Anglican Church of Australia Trust Corporation” means the body corporate referred to in the Constitution;
   “Trust Deed” means the deed of trust by which the Trust is established;
   “Trust” means the trust settled on the Company in accordance with the provisions of this Canon;
   “Trustee” means the Company; and
   a reference to publishing or publication includes the production and reproduction of material by writing or printing or electronic means.
PART II: THE COMMITTEE

The Committee

3. For the purposes of this Canon there shall be a committee called the Broughton Publishing Committee.

4. (i) The members of the Committee shall be members of this Church appointed by the Standing Committee for such term or terms and on such conditions as the Standing Committee may determine and shall hold office until their successors are appointed.

(ii) However the office of a member shall become vacant when the member;

(a) dies; or

(b) resigns; or

(c) is removed by resolution of the Standing Committee, or

(d) is declared by the Standing Committee to have ceased to be a member of this Church.

5. It is the function of the Committee to facilitate, pursuant to the provisions of this canon, the publishing and distribution of material relating to the liturgical life and ministry of this Church and of any other material or document authorised by the Standing Committee.

6. The Committee shall comprise such number of members and with such quorum as may be determined by the Standing Committee and subject to this Canon and any rules of procedure determined by the Standing Committee may:

(a) regulate its procedures and meetings as it sees fit, and

(b) act notwithstanding any vacancy in its membership.

PART III: THE TRUSTEE COMPANY

The Trustee

7. The Committee shall cause a company to be created and registered under the provisions of the Corporations Law having the name “Broughton Publishing Pty Ltd”, or such other name as is approved by the Standing Committee.

8. If the Company is a company having a share capital, the only member of the Company will be The Anglican Church of Australia Trust Corporation.

82 Subsections (a) and (b) were inadvertently omitted from all printed versions of this Canon.
9. The Constitution of the Company must first be approved by the Standing Committee and should include provisions which:

(a) prohibit the transfer or allotment of shares without the consent of the Standing Committee;

(b) prohibit the amendment of the Constitution without the consent of the Standing Committee;

(c) require that the directors are the members of the Committee and that no other directors may be appointed otherwise than in accordance with the nomination of the Standing Committee;

(d) ensure that the sole function of the Company is to act as the Trustee of a trust in accordance with the provisions of this Canon;

(e) require that the directors must provide to the Standing Committee at its direction such account of its activities as the Standing Committee may reasonably require.

**PART IV: THE TRUST**

10. The Committee shall cause a trust to be settled on the Company as trustee pursuant to a Trust Deed which must be first approved by the Standing Committee and in respect of which this Church shall be the only beneficiary.

11. The Trust Deed must include provisions which:

(a) empower the Trustee to carry on the business of the publication and sale of Liturgical Texts and of any other material or document authorized by the Standing Committee;

(b) allow the Trustee to accumulate income to the extent authorized by the Standing Committee and otherwise require that the income shall be paid to the Standing Committee in accordance with its directions on behalf of the beneficiary;

(c) require the Trustee to act only in accordance with business plans and budgets approved by the Standing Committee with such tolerance as may be approved by the Standing Committee;

(d) empower the Standing Committee or the Primate to terminate the appointment of the Trustee and to appoint a new Trustee;

(e) prevent amendment of the Trust Deed without consent of the Standing Committee;
(f) otherwise restrict the activities of the Trustee to those approved by the Standing Committee;

(g) require the Trustee to account to the Standing Committee at such times and in such manner as it shall reasonably require;

(h) require the Trustee to terminate the Trust and to pay the capital and accrued income thereof to the Standing Committee on behalf of the beneficiary at the direction of the Standing Committee.
A Canon to repeal the Anglican Board of Mission – Australia Canon 1995-1998 and to make provision for the continued operation of the Anglican Board of Mission – Australia as an organisation incorporated under Corporations Law

1. This canon may be called the “Anglican Board of Mission – Australia Canon 2001”.

2. The Anglican Board of Mission – Australia established by the Anglican Board of Mission – Australia Canon 1995-1998 continues in existence under and subject to this canon.

3. The General Synod consents to the incorporation of the Anglican Board of Mission – Australia in accordance with the constitution set out in the Schedule to this canon.
Repeal

4. The Anglican Board of Mission – Australia Canon 1995-1998 is repealed when the incorporation authorised by this canon takes effect.

Standing Committee of General Synod

5. The Standing Committee of General Synod is authorised to do such things as the Schedule to this canon requires of it.

The Standing Committee is also authorised to give consent on behalf of the General Synod,

(a) to any alterations to the constitution set out in the Schedule to this canon or any alteration required by a public authority and

(b) any amendment to such constitution that is in the view of the Corporate Trustee expedient to be made for the efficient management of the The Anglican Board of Mission - Australia.

Financial Protection Canon

6. The Financial Protection Canon 1998 applies as if the name of the Company referred to in the Schedule appeared in the Schedule to such canon

Transitional

7. Except as provided by this canon and its Schedule expressly or by necessary implication all people things and circumstances appointed or created by or under the former canon continue to have the same status operation and effect as they respectively would have had if the former canon had not been repealed.

8. The Schedule may be omitted in any reprint of this canon after 31 December 2001.
AUSTRALIAN COLLEGE OF THEOLOGY
CANON 2007

Canon No. 07, 2007

A Canon to repeal the Australian College of Theology Canon 1966 and to make provision for the continued operation of the Australian College of Theology as an organisation incorporated under the Corporations Act

The General Synod prescribes as follows:

Title

1. This canon may be cited as the “Australian College of Theology Canon 2007”.

The College

2. The Australian College of Theology reconstituted by the Australian College of Theology Canon 1966 continues in existence under and subject to this canon.

Change of name and modification of Constitution

3. The General Synod consents to the change of name of the Australian College of Theology Council Limited to the Australian College of Theology Limited and the modification of the Constitution of the Australian College of Theology Council Limited in accordance with the constitution set out in the Schedule to this canon.

Repeal

4. The Australian College of Theology Canon 1966 is repealed when the Australian College of Theology Council Limited passes special resolutions changing its name to Australian College of Theology Limited and approving the modification of its Constitution in accordance with the constitution set out in the Schedule to this canon.83

Standing Committee of General Synod

5. The Standing Committee of General Synod is authorised:

(a) to do such things as the Schedule to this canon requires of it; and

83 A Special General Meeting of the Australian College of Theology Council Inc, held 20 November 2007 resolved:
to change the name of the Company from Australian College of Theology Council Limited to Australian College of Theology Limited;
to rescind the Constitution of the Australian College of Theology Council Limited;
to adopt the Constitution embodied in the Schedule of the Australian College of Theology Canon 2007 adopted by the General Synod of the Anglican Church at its meeting in October 2007;
to authorise the Board of Directors to take all steps necessary to implement (1), (2) and (3) and to report to the first Annual General Meeting of ACT Limited accordingly.
(b) to give consent on behalf of the General Synod to any amendment of the constitution set out in the Schedule to this canon.

**Transitional**

6. Except as provided by this canon and its Schedule expressly or by necessary implication all people, things and circumstances appointed or created by or under the Australian College of Theology Canon 1966 continue to have the same status operation and effect as they respectively would have had if the Australian College of Theology Canon 1966 had not been repealed.

7. The Schedule may be omitted in any reprint of this canon after 31 December 2007.

**SCHEDULE**

CONSTITUTION OF AUSTRALIAN COLLEGE OF THEOLOGY LIMITED

A Public Company Limited by Guarantee

Because of extensive changes to the Schedule, a link to the ACT website is included below:

www.actheology.edu.au
PROTECTION OF THE ENVIRONMENT
CANON 2007

Canon No. 11, 2007

A Canon to assist in the protection of the environment

The General Synod prescribes as follows:

Preamble

A. This Church acknowledges God’s sovereignty over his creation through the Lord Jesus Christ.

B. In Genesis it says that “The Lord God took the man and put him in the garden of Eden to till it and keep it.” In 1990 the Anglican Consultative Council gave modern form to this task when it declared that one of the five marks of the mission of the Church was “to strive to safeguard the integrity of creation, and to sustain and renew the life of the earth”.

C. This Canon gives form to this mark of mission in the life of the Anglican Church of Australia.

D. This Church recognises the importance of the place of creation in the history of salvation.

E. This Church acknowledges the custodianship of the indigenous peoples of this land.

F. This Church recognizes that climate change is a most serious threat to the lives of the present and future generations. Accordingly, this Canon seeks to reduce the release of greenhouse gases by this Church and its agencies.

Short title and principal canon

1. This Canon may be cited as the “Protection of the Environment Canon 2007”.

Mechanisms to assist in protecting the environment

2. (1) Every diocese which adopts this Canon undertakes to reduce its environmental footprint by increasing the water and energy efficiency of its current facilities and operations and by ensuring that environmental sustainability is an essential consideration in the development of any new facilities and operations, with a view to ensuring that the diocese minimalises its contribution to the mean global surface temperature rise.
(2) Every diocese which adopts this Canon undertakes to establish such procedures and process such as an environment commission, or similar body as are necessary to assist the diocese and its agencies to:

(a) give leadership to the Church and its people in the way in which they can care for the environment,

(b) use the resources of God’s creation appropriately and to consider and act responsibly about the effect of human activity on God’s creation,

(c) facilitate and encourage the education of Church members and others about the need to care for the environment, use the resources of God’s creation properly and act responsibly about the effect of human activity on God’s creation, and,

(d) advise and update the diocese on the targets needed to meet the commitment made in sub-section (1);

(e) urge its people to pray in regard to these matters.

Reporting

3. (1) Every diocese which adopts this Canon undertakes to report to each ordinary session of the General Synod as to its progress in reducing its environmental footprint in order to reach the undertaking made in accordance with sub-section (1) of section 2.

(2) Any report will outline the targets that were set, the achievements made, and difficulties encountered.

Adoption of Canon by Diocese

4. The provisions of this Canon affect the order and good government of the Church within a diocese and the Canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the Canon.
Special Tribunal Canon, 2007

Canon No. 13, 2007 as amended by
Canon No. 11, 2010 and
Canon No. 14, 2010

A canon to provide for the investigation of matters which may become the subject of a charge before the Special Tribunal and to provide for the appointment and procedure of the Special Tribunal

The General Synod prescribes as follows:

Part 1: Preliminary

1. This Canon may be cited as the “Special Tribunal Canon 2007”.
2. In this Canon, unless the context otherwise requires:

   “Bishop” means a bishop referred to in section 56(6) of the Constitution; and

   “bishop” means a person in bishop’s orders.

   “Church” means the Anglican Church of Australia;

   “Church body” includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;

   “Commonwealth” means the Commonwealth of Australia;

   “complaint” means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be specified by Canon;

   “Director” means the Director of the Episcopal Standards Commission appointed under Part 3;

   “Episcopal Standards Commission” or “ESC” means the Episcopal Standards Commission established under Part 2;

   “incapable” means incapable for the purposes of the Bishop (Incacity) Canon 1995;

   “National Register” means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Tribunal;
“priest” means a person who is in priest’s orders who is not a bishop;

“protocol” means the protocol approved under Part 3 of the Episcopal Standards Canon 2004;

“relevant Metropolitan”, means:

(a) in relation to the bishop of a diocese:
   (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
   (ii) if the diocese is an extra-provincial diocese, the Primate; or
   (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or
   (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and

(b) in relation to any other Bishop, the Primate;

“respondent” means a bishop whose alleged conduct or omission is the subject of a complaint;

“Subsection 43(2) Exclusion” means an ordinance made by the synod of a diocese under subsection 43(2) which:

(a) declares that paragraph (a) of subsection 43(1) shall have no effect in respect of the Bishop of that diocese; and

(b) has not been revoked by that synod.

“Tribunal” means the Special Tribunal.

2A. (1) The ESC has no powers or duties under this canon, apart from the duty imposed by subsection (2), in relation to a diocese or the Bishop thereof while there is a Subsection 43(2) Exclusion in effect in relation to that diocese.

(2) If the ESC receives a complaint in relation to the Bishop of a diocese while there is a Subsection 43(2) Exclusion in effect in relation to that diocese, the ESC must refer the complainant and the complaint:

(a) where the diocese is part of a province and the complaint is not in respect of the Metropolitan of that province, to the Metropolitan of that province;

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84 Added by Canon 11, 2010.
85 Added by Canon 11, 2010.
(b) where the diocese is part of a province and the complaint is in respect of the Metropolitan of that province, to the Metropolitan of another province, and

(c) where the diocese is not part of a province and the complaint is in respect of the Bishop of that diocese, to a Metropolitan.

**PART 2: EPISCOPAL STANDARDS COMMISSION**

3. There shall be an Episcopal Standards Commission.

4. (1) The ESC shall have at least three members.

   (2) The membership of the ESC shall be constituted so as collectively to provide:

   (a) experience in law;

   (b) a person in bishops’ orders who is not a Bishop; and

   (c) experience and appropriate professional qualifications in child protection, social work or counselling.

   (3) The ESC so far as is reasonably practicable shall have an equal number of men and women.

5. (1) The members of the ESC shall be appointed by the Standing Committee.

   (2) The members of the ESC shall hold office for a term of not more than 5 years (which may be renewed) and on such other terms and conditions as may be determined by the Standing Committee from time to time.

   (3) Notwithstanding the provisions of this Canon (other than section 5A) or of any other canon, the members of the ESC holding office immediately before the Special Tribunal Canon 2007 Amendment Canon 2010 comes into force, will cease to hold office at the conclusion of the second meeting of the Standing Committee following the 15th General Synod.

   (4) If a member of the ESC is unable to undertake their role by reason of incapacity or conflict of interest, the Standing Committee may appoint an additional member to the ESC in accordance with this Canon for such period as the Standing Committee may determine.

5A. A member of the ESC shall cease to hold office upon:

   (a) death of the member;

   (b) resignation of the member;

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86 Amended by Canon 14, 2020
87 Amended by Canon 14, 2010
88 Inserted by Canon 14, 2010
(c) declaration by a competent court or tribunal that the member is incapable of managing his or her affairs;
(d) the member ceasing to reside permanently in Australia;
(e) conviction or finding of guilt of the member in any court of any offence punishable by imprisonment;
(f) the member becoming a Bishop;
(g) the member reaching the age of 72 years; or
(h) the passing of a resolution –
   (i) by the Standing Committee by a two-thirds majority of those members present and voting, or
   (ii) by the General Synod voting as a whole passed by a two-thirds majority of those members present and voting to remove the member from office.

6. (1) The convenor of the ESC shall be appointed by the Standing Committee.
(2) The ESC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.
(3) Subject to this Canon the procedures of the ESC shall be as determined by the ESC.
(4) A majority of the members shall constitute a quorum.
(5) A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.
(6) The ESC shall act in all things as expeditiously as possible.

7. An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

8. Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged on work related to the affairs of the ESC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
   (a) in the course of carrying out the duties of that office or position;
   (b) as may be authorised by or under this or another Canon;
(c) in any proceedings before the Special Tribunal;
(d) as may be required by law; or
(e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.

9. Subject to section 51, the ESC may release to the public such material as it may determine with respect to any complaint.

10. (1) Without disclosing the identity of any complainant or the respondent, the ESC shall report annually to the Standing Committee on its activities for that calendar year.

(2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Tribunal.

(3) Subject to sub-section (4) the ESC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.

(4) If the matter relates to the conduct of the Primate, such reports shall be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

11. (1) Subject to sub-section (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.

(2) The ESC cannot delegate:
   (a) its powers under subsection (1);
   (b) its powers under section 12(1)(g); or
   (c) its powers under section 22.

(3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

12. (1) Subject to the provisions of this Canon the ESC has the following powers and duties:
   (a) to receive complaints;
   (b) to investigate the subject matter of complaint in a timely and appropriate manner;
(c) where appropriate to arrange for the conciliation and mediation of any complaint;
(d) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in its possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;
(e) to maintain proper records of all complaints received and of action taken in relation to such complaints;
(f) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary to implement, in a particular case, the provisions of this Canon;
(g) to promote a charge against a Bishop before the Tribunal.

(2) In exercising its powers under this Canon the ESC may, where it considers it to be appropriate, adopt the provisions of the protocol.

13. (1) The ESC shall only take action in respect of a complaint alleging an offence mentioned in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred not more than twelve calendar months prior to the date on which the complaint is received by the ESC.

(2) For the purposes of this section a complaint will be deemed to have been received by the ESC when received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

**PART 3: DIRECTOR OF EPISCOPAL STANDARDS COMMISSION**

14. (1) There shall be a Director of the Episcopal Standards Commission.

(2) The Director shall be appointed by and shall hold office in accordance with a resolution of the Standing Committee.

15. The Director shall have the following functions:

   (a) to be the executive officer of the ESC;

   (b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting shall otherwise determine;
such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Standing Committee or the ESC.

16. The Director may act in a corresponding capacity for a diocese either generally or for a particular case or matter.

**PART 4: COMPLAINTS**

17. A person may make a complaint against a Bishop by writing signed by the person making the complaint.

18. Subject to this Canon, when the ESC receives a complaint it shall investigate the allegations contained in the complaint.

19. The ESC may refrain from further investigation of the allegations if:

   (a) in its opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;

   (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

   (c) the person making the complaint has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or

   (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

20. For the purpose of an investigation the ESC or an investigator shall endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.

21. (1) The ESC must by notice in writing allow the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation, and must provide a summary of the complaint including the substance of the allegations and the name of the complainant.

    (2) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
22. At any time after the commencement of an investigation into a complaint against a Bishop under this Part the ESC may:
   (a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;
   (b) subject to section 43, institute proceedings by way of charge against a bishop before the Tribunal; or
   (c) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.

23. (1) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 22 in respect of the subject matter of the complaint.
   (2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of proceedings by way of charge against a bishop shall be of no effect.
   (3) Proceedings shall not be instituted or maintained in the Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders, Relinquishment and Deposition Canon 2004.

24. If:
   (a) following the receipt of a complaint, the ESC, under section19, refrains from further investigation of the allegations contained in the complaint;
   (b) the ESC does not arrange for the conciliation and mediation of the complaint, or
   (c) following an investigation, under this Part, of the allegations contained in a complaint, the ESC does not bring a charge, under section 43, against the bishop in respect of whom the complaint is made, or
      the ESC must, without delay, provide the person who made the complaint with full and complete reasons, in writing, for its decision.
PART 5: THE SPECIAL TRIBUNAL

25.  (1) The members of the Tribunal shall be appointed from a panel comprising:

(a) A senior presidential member and another presidential member each of whom is qualified to be a lay member of the Appellate Tribunal;

(b) three Bishops; and

(c) three priests of at least seven years’ standing; elected by General Synod in accordance with any Rule of General Synod for the conduct of elections.

(2) In the event that a presidential member is nominated for election as the senior presidential member or that an election is otherwise required for the two presidential members, an election for both presidential members shall be held at the same time and the person with the highest number of votes shall be the senior presidential member and the person with the next highest number of votes shall be the other presidential member.

26.  (1) Subject to sub-section (2), a member of the panel shall cease to hold office upon:

(a) death;

(b) resignation;

(c) declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;

(d) ceasing to reside permanently in Australia;

(e) conviction or finding of guilt in any court of any offence punishable by imprisonment;

(f) in the case of a Bishop, ceasing to be a Bishop or on becoming the Primate;

(g) in the case of a priest, on becoming a bishop; and

(h) in any event at the commencement of the ordinary session of General Synod which shall take place next after the member attains the age of sixty-nine years.

(2) A member of the panel who is a member of the Tribunal for particular proceedings of the Tribunal shall continue to hold office until the completion of the proceedings notwithstanding that the member may cease to be a Bishop or may otherwise cease to be a member of the panel by virtue of age.

Amended by Canon 14, 2010
27. Any Bishop who vacates office upon ceasing to be a Bishop, having accepted appointment to a different office of Bishop, shall, upon installation as Bishop in the different office, be automatically re-appointed to the panel or the Tribunal as the case may be.

28. If any vacancy in the membership of the panel occurs while the General Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of the General Synod, the Primate shall cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled, to invite the submission of names of candidates for nomination, 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 names should be submitted. If no more names are received than the number of vacant positions to be filled, the General Secretary shall declare the persons named to be elected to the panel. Otherwise, the General Secretary shall conduct a postal ballot of the members of General Synod to determine the person or persons to be elected, 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 person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel. Upon the Secretary declaring a person to be elected to the panel, the person or persons shall become a member or members of the panel.

29. Any vacancy not filled pursuant to section 27 or section 28 shall be filled at the next ordinary session of the General Synod by the election by the General Synod of a person qualified to fill the vacancy.

30. The members of the panel to be convened for any sitting of the Tribunal shall be appointed by the senior presidential member or, if he or she is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, by the other presidential member.

31. (1) The Rules of the Tribunal made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.

(2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.

32. The Tribunal, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Tribunal.
33. An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

34. The Registrar of the Tribunal shall be the General Secretary of the General Synod.

35. (1) The place and time of sitting of the Tribunal shall be as determined by the President of the Tribunal.

(2) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members:

(a) any question of law or procedure will be determined by the President; and

(b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the President shall prevail.

(3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.

(4) The Tribunal must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(5) Without limiting the meaning and effect of sub-section (4), the Tribunal may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness.

(6) The Tribunal may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.

36. The Tribunal must give reasons for any determination, other than by way of directions in the course of a proceeding, unless the determination is made by consent of the respondent.
37. At any hearing before the Tribunal or before a member of it the ESC and the bishop may be represented by a legal practitioner or, with leave of the Tribunal, by any other person.

38. A decision of the Tribunal is the decision of a majority of the Tribunal.

39. At any time during the course of a hearing the Tribunal may, if it sees fit, obtain the opinion of the Board of Assessors of the Appellate Tribunal.

40. The Tribunal may make an order by consent of the parties before it.

41. (1) The Tribunal has no power to award costs of any proceedings before it.

(2) A bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance.

(3) The Standing Committee may grant legal assistance to the bishop on such terms and subject to such conditions as it shall determine.

42. (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.

(2) Subject to this Canon and the relevant rules, the practice and procedure of the Tribunal will be as directed by the President of the Tribunal.

**PART 6: PROMOTION OF A CHARGE BEFORE THE SPECIAL TRIBUNAL**

43. (1) A charge against a bishop in the Tribunal may be brought:

(a) by the ESC;

(b) by another Bishop; or

(c) in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.

(2) The synod of a diocese may by ordinance declare that paragraph (a) of subsection (1) shall have no effect in respect of the Bishop of that diocese, in which case paragraph (a) of subsection (1) will not apply to that Bishop.

(3) A declaration under subsection (2) –

(a) shall not affect any proceedings in respect of a charge brought before such ordinance takes effect; and

(b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.
(4) In respect of a charge brought pursuant to paragraph (c) of subsection (1) against the Bishop of a diocese in respect of whom there is in force a declaration under subsection (2), the General Synod shall not be responsible for the costs of bringing such a charge.

(5) In respect of a charge brought pursuant to –

(a) paragraph (b) of subsection (1), or

(b) paragraph (c) of subsection (1) where there is no declaration under subsection (2) in force in respect of that Bishop,

the Special Tribunal or the Appellate Tribunal as the case may be may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod will indemnify such person or body accordingly.

44. (1) A charge against a Bishop must:

(a) be in writing;

(b) specify the alleged offence and provide particulars of the alleged offence;

(c) be signed by a member of the body or the person bringing the charge; and

(d) be lodged with the Registrar.

(2) A signed copy of the charge shall be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop’s Registry in an envelope addressed to the bishop and marked “Private and Confidential”.

(3) A charge, once instituted, may be amended or withdrawn by the person or body which instituted it.

(4) Amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

**Part 7: Proceedings before the Special Tribunal**

45. (1) Upon lodgement of a charge with the Registrar, the presidential member referred to in section 30 shall as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.

(2) The President of the Tribunal shall thereupon cause to be convened a directions hearing presided over by a member of the Tribunal.
(3) The person or body bringing the charge and the bishop shall comply with
the rules of the Tribunal and with any directions given by a member of the
Tribunal at a directions hearing.

46. (1) The Tribunal shall deal with any charge as expeditiously as possible.

(2) The Tribunal may, if it sees fit, proceed with the hearing of a charge notwithstanding
that there may be mediation or conciliation proceedings relating to the subject
matter of the charge being conducted by the ESC and notwithstanding that
there may be criminal or other proceedings being taken against the bishop.

(3) Subject to section 23(3) the Tribunal may make a recommendation
notwithstanding that the bishop the subject of the charge has ceased, after
lodgement of the charge with the Registrar, to be a Bishop.

47. (1) Subject to sub-section (2), the Tribunal must give the following persons
reasonable notice of the time and place of a sitting of the Tribunal:

(a) the person or body bringing the charge; and
(b) the respondent; and
(c) such other persons as the Tribunal believes have a proper interest in the
matter.

(2) The Tribunal is not obliged to give notice of a sitting to a person whose
whereabouts cannot, after reasonable enquiries, be ascertained.

48. (1) Subject to sub-section (2), a sitting of the Tribunal on a reference before the
Tribunal is an open sitting.

(2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion
to direct that persons other than -:

(a) the respondent and any person representing the respondent in the
proceedings; and
(b) witnesses or persons making submissions (while giving evidence or
making those submissions); and
(c) officers of the Tribunal or persons assisting the Tribunal; or
(d) the person or members of the body bringing the charge or their
representatives; not be present in the room while the Tribunal is sitting.

49. The Tribunal may make a determination in any proceedings in the absence of a
person affected by the determination if satisfied that reasonable efforts were made to
give that person an opportunity to appear.
50. In making any determination the Tribunal shall take into account:

(a) the conduct of the bishop as it finds it to have been; and
(b) in the material before the Tribunal, any other fact or circumstance relevant to the determination of the question before it.

51. (1) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the bishop against whom the charge is brought.

(2) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal shall direct or approve.

52. A recommendation of the Tribunal shall be entered in the National Register together with a record of any action taken consequent upon the recommendation.

53. Any appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, shall be by leave of the Appellate Tribunal.

PART 8: DEPOSITION FROM ORDERS

54. (1) The deposition of a bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal shall be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.

(2) The Primate must forthwith:

(a) register the Instrument in the Registry of the Primate;
(b) deliver a copy of the Instrument to the bishop of the diocese or dioceses in which the former Bishop who is the subject of the Instrument was ordained priest and bishop;
(c) if the former Bishop was a diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and
(d) cause relevant details to be forwarded for entry into the National Register.
PART 9: TRANSITIONAL

55. The persons named hereunder shall hold the respective offices until their successors are appointed or elected in accordance with the provisions of this Canon:

Episcopal Standards Commission:
Convenor: Mr Geoffrey Spring
Members: Ms Margaret Fuller, OAM; The Right Rev’d Ronald Stone.

Director of the Episcopal Standards Commission:
Ms Rena Sofroniou

Special Tribunal Panel:
Senior Presidential Member: Sir Robert Woods, CBE.
Presidential Member: The Hon Justice Debra Mullins
Diocesan Bishops: The Most Rev’d Jeffrey Driver
                 The Most Rev’d Philip Freier
                 The Right Rev’d John Harrower

Priests: The Rev’d Canon Dr Colleen O’Reilly
         The Ven Dr Chris R Jones
         The Very Rev’d Andrew J Sempell
FIRST SCHEDULE
(Section 13(1))

1. Any breach of faith, ritual or ceremonial;
2. Drunkenness;
3. Wilful failure to pay just debts;
4. Wilful violation of the Constitution or of the Canons made thereunder or of the Ordinances of Provincial Synod or Diocesan Synod.

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of

do hereby depose you from Holy Orders (particulars of which are set out below) in accordance with the recommendation of the Special Tribunal of the Anglican Church of Australia dated the day of

PARTICULARS OF HOLY ORDERS

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DATED

SEALED

Canons 199
A canon relating to professional standards of bishops and for other purposes

The General Synod prescribes as follows:

PART 1: PRELIMINARY

1. This Canon may be cited as the “Episcopal Standards Canon 2007”.

2. In this Canon, unless the context otherwise requires:
   “Administrator” means the person who would, in the absence or incapacity of a Bishop, be the administrator of a diocese;
   ”Bishop” means a bishop referred to in section 56(6) of the Constitution; and
   “bishop” means a person in bishop’s orders;
   “Board” means the Episcopal Standards Board established under Part 6;
   “Church” means the Anglican Church of Australia;
   “Church body” includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;
   “Code of Conduct” means a code of conduct approved from time to time under Part 2;
   “Director” means the Director of the ESC appointed under the Special Tribunal Canon 2007;
   “Episcopal Standards Commission” or “ESC” means the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007;
   “examinable conduct” means any conduct or omission wherever or whenever occurring the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders but excludes any breach of faith, ritual or ceremonial;

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This canon was passed provisionally as Canon P2, 1989.
“information” means information of whatever nature and from whatever source relating to the alleged misconduct or omission of a Bishop wherever or whenever occurring;

“national register” means a national register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Board;

“protocol” means the protocol approved from time to time by the Standing Committee under Part 3;

“relevant Metropolitan”, means:

(a) in relation to the bishop of a diocese:

   (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or

   (ii) if the diocese is an extra-provincial diocese, the Primate; or

   (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or

   (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and

b) in relation to any other Bishop, the Primate;

“respondent” means a Bishop whose alleged conduct or omission is the subject of information;

“Standing Committee” means the Standing Committee of General Synod;

“Tribunal” means the Special Tribunal.

**PART 2: CODE OF CONDUCT**

3. The General Synod or the Standing Committee shall from time to time by resolution approve a Code of Conduct for observance by Bishops, which does not make provision for any matter concerning faith, ritual or ceremonial, provided that any changes to the Code of Conduct made by the Standing Committee shall be referred to the next session of General Synod for ratification.

4. The Standing Committee through the ESC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of the Code of Conduct. A code of conduct must not make provision for any matter concerning faith, ritual or ceremonial.
PART 3: THE PROTOCOL

5. (1) The Standing Committee shall from time to time consider and approve a protocol for implementation in relation to information.

(2) The protocol must include:

(a) procedures for receiving information;
(b) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;
(c) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;
(d) an explanation of the processes for investigating and dealing with information;
(e) provisions for dealing fairly with respondents;
(f) processes for referral to mediation and conciliation in appropriate circumstances;
(g) provisions for information, reports, advice and recommendations to the Primate, the relevant Metropolitan and to the relevant Administrator at each stage of the process of dealing with information;
(h) procedures for working, where appropriate, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

6. The Standing Committee through the ESC and by such other means as it may consider appropriate shall take such steps as may be necessary or desirable to promote throughout the Church a knowledge and understanding of the protocol.

PART 4: THE EPISCOPAL STANDARDS COMMISSION

7. (1) In addition to the powers conferred on it by the Special Tribunal Canon 2007 and subject to the provisions of this Canon the ESC has the following powers and duties:

(a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;
(b) to receive information;
(c) to act on information in accordance with the provisions of this Canon, and the protocol to the extent that it is not inconsistent with this Canon;

(d) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;

(e) where appropriate, to arrange for the conciliation or mediation of any complaint the subject of information;

(f) to investigate information in a timely and appropriate manner;

(g) where appropriate, to recommend to the Standing Committee any changes to the protocol;

(h) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary or appropriate to implement, in a particular case, the protocol and the provisions of this Canon;

(i) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by conduct the subject of information and as to any possible or actual legal proceedings against such Church body arising out of the alleged conduct of a bishop;

(j) to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;

(k) to maintain proper records of all information received and of action taken in relation to such information.

(2) The Director may receive information on behalf of the ESC and shall carry out such functions under this Canon as the ESC may determine.

8. (1) In the exercise of its powers and duties under this Canon the provisions of sections 8, 9 and 10 of the Special Tribunal Canon 2007 shall apply to the ESC as if reference therein to the Tribunal were a reference to the Board and reference to a complaint were a reference to information.

(2) Subject to subsection (3), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.

(3) The ESC cannot delegate:

(a) its powers under subsection (2);
(b) its powers under section 13; or
(c) its powers under section 16.

(4) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

PART 5: EXAMINABLE CONDUCT

9. Subject to this Canon, where the ESC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.

10. The ESC may decide not to investigate the information or may refrain from further investigation of the information if:

(a) in its opinion, the allegations the subject of the information are vexatious or misconceived, or their subject matter is trivial;

(b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

(c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or

(d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

11. For the purpose of an investigation the ESC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.

12. (1) The ESC may by notice in writing to a respondent require the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation.

(2) It is the obligation of a respondent:

(a) not to mislead the ESC or a member or delegate of the ESC;

(b) not unreasonably to delay or obstruct the ESC or a member or delegate of the ESC in the exercise of powers conferred by this Canon.

(3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
13  (1) At any time after the ESC has commenced or caused to be commenced an investigation of information under this Part in circumstances where it considers that action may be taken under paragraph (b) or (c) of section 16, it may recommend to the Diocesan Council or, in the case of a Bishop who is not a diocesan bishop, to the Primate, that the Bishop be suspended from the duties of office.

(2) If the Diocesan Council, meeting when the Bishop is not present, or the Primate, as the case may be, concurs in the recommendation, the President of the Board, after considering any submission from the Bishop, may suspend the Bishop from the duties of office.

(3) The meeting of the Diocesan Council referred to in sub-section (2) shall be chaired by a Diocesan Bishop appointed by the Primate with the concurrence of a majority of the Metropolitans. The Diocesan Bishop so appointed shall not have a vote at the meeting.

(4) Where an investigation has been commenced against the Primate under this part, the powers and functions of the Primate under sub-section (3) shall be exercised by the person who would exercise the authorities, powers, rights and duties of the Primate if there were a vacancy in the office.

(5) For the purposes of this section a reference to the Metropolitans excludes a Metropolitan who at the time is the subject of an investigation under this part.

14. Before suspending a Bishop from the duties of office the President of the Board shall take into account:

(a) the seriousness of the conduct alleged in the information;

(b) the nature of the material to support or negate the allegations;

(c) whether any person is at risk of harm;

(d) after consultation with the relevant Diocesan Council or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 13; and

(e) any other allegation of similar examinable conduct previously made to the ESC or to an equivalent body within the previous ten years; and may take into account any other relevant matter.

15. (1) A suspension under section 13 or a voluntary standing down from office by the Bishop as a result of an investigation by the ESC:
(a) has effect as an absence of the Bishop from the see or from office as the case may require; and

(b) continues until it ceases to have effect by reason of:

   (i) the ESC terminating the investigation without taking action under section 16;

   (ii) a determination to that effect by the Board or the Tribunal as the case may be; or

   (iii) the see or the office becoming vacant (whether or not under this Canon);

   whichever first occurs.

(2) During any such suspension or voluntary standing down the Bishop is entitled to receive whatever stipend, allowances and other benefits that would otherwise have accrued and which are to be met or reimbursed by the body normally responsible for their payment.

16. At any time after the commencement of an investigation under this Part the ESC may:

   (a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishop (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;

   (b) refer to the Board the fitness of the Bishop, whether temporarily or permanently, to hold office or to remain in Holy Orders;

   (c) whether or not the information the subject of the investigation is also the subject of a complaint under the Special Tribunal Canon 2007, institute, amend or withdraw proceedings by way of charge against the Bishop before the Tribunal; or

   (d) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.

17 (1) The fact that the subject matter of a complaint or dispute concerning examinable conduct may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps
referred to in section 16 in respect of the subject matter of the complaint or dispute.

(2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of such proceedings shall be of no effect.

(3) A matter shall not be referred to the Board, a reference to the Board shall not continue and proceedings shall not be instituted or maintained in the Special Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders Relinquishment and Deposition Canon 2004.

**PART 6: EPISCOPAL STANDARDS BOARD**

18. There shall be an Episcopal Standards Board constituted and appointed in accordance with the provisions of this Part.

19. (1) Subject to the provisions of this Canon the function of the Board is to inquire into and determine a question referred to it pursuant to section 16, to make a determination referred to in section 49 and where appropriate to make a recommendation in accordance with the provisions of this Canon.

(2) Subject to section 17(3) the Board may make a determination and recommendation referred to in sub-section (1) notwithstanding that the bishop whose conduct is the subject of the reference has ceased, after the reference, to be a Bishop.

20. (1) The members of the Board in a particular case shall be appointed from a panel comprising:

   (a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;

   (b) five persons in bishop’s orders; and

   (c) five persons who are members of the Church not in bishop’s orders.

(2) A person who is a member of the panel from whom the members of the Tribunal may be appointed is eligible for appointment to the panel.

21. The members of the panel shall be appointed by the Standing Committee and shall hold office in accordance with a resolution of the Standing Committee.

22. Any vacancy in the membership of the panel shall be filled by or in accordance with a resolution of the Standing Committee.
23.  (1) The members of the panel to be convened for any reference to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.

(2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two of the episcopal and other members of the panel.

(3) Where possible, the Board shall include at least one man and at least one woman.

(4) Where, in the opinion of the President or, if there is a vacancy in the office of the President, the Deputy President a member of the panel has a personal interest in a matter before the Board the member shall be disqualified from participating in the reference.

(5) For the purposes of this section a vacancy in the office of President includes a situation in which the President is not able to act because of a personal interest in a matter, illness or absence from Australia.

24.  (1) The Rules of the Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.

(2) The Board, if constituted by a single member sitting alone, cannot make a determination under section 49.

25. If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board, the Board constituted of the presiding member and the other member or members may, if the presiding member so determines, continue and complete the reference.

26. The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.

27. An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
28. There shall be a Secretary to the Board who shall be appointed by or in accordance with a resolution of the Standing Committee, and whose duties shall be defined by the President.

29. (1) In any proceedings of the Board where the Board is constituted by two or more members:

   (a) any question of law or procedure will be determined by the presiding member; and

   (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.

(2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board.

(3) The Board must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(4) Without limiting the meaning and effect of sub-section (3), the Board may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness.

(5) The Board may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.

30. The Board may, for the purpose of any particular reference and at the cost of the General Synod, appoint such person or persons, including the Director, to assist it in inquiring into (but not determining) that reference as the Board thinks fit.

31. The Board must give reasons for any determination, other than by way of directions in the course of an inquiry, unless the determination is made by consent of the respondent.

32. (1) The Board has no power to award costs of any proceedings before it.
(2) A bishop in relation to whom a question is the subject of a reference to
the Board may apply to the Standing Committee for the provision of legal
assistance.

(3) The Standing Committee may grant legal assistance to a bishop on such terms
and subject to such conditions as it shall determine.

33. (1) The President may make Rules of the Board reasonably required by or pursuant
to this Canon and in relation to the practice and procedure of the Board.

(2) Subject to this Canon and the relevant Rules, the practice and procedure of the
Board will be as directed by the presiding member of the Board.

PART 7: REFERENCE OF MATTERS TO THE EPISCOPAL STANDARDS BOARD

34. A question shall be referred to the Board by delivering to the Secretary of the Board
a written report of the investigation of the ESC signed by a member of the ESC.

35. The Board shall not, in the course of inquiring into any question:

   (a) inquire into any matter which is or has been the subject of any formal
       investigation or enquiry conducted;

      (i) under or pursuant to any provision of the Constitution; or

      (ii) under or pursuant to a Canon of the General Synod or an
           Ordinance of a diocese relating to the discipline of clergy or
           Church workers by a board of enquiry, tribunal or other body;
           but may take into account the finding of any such formal
           investigation or enquiry;

   (b) inquire into, make any findings in relation to or take into account any
       alleged breach of:

      (i) faith of the Church, including the obligation to hold the faith;

      (ii) ritual of the Church, including the rites according to the use of
           the Church and the obligation to abide by such use; or

      (iii) ceremonial of the Church, including ceremonial according to the
           use of the Church and the obligation to abide by such use.

36. (1) Upon delivery of the report to the Secretary of the Board, the President or
Deputy President as the case may be shall as soon as possible determine the
membership of the Board for the purpose of the reference.
(2) The President or Deputy President as the case may require shall thereupon cause to be convened a sitting for the purpose of giving directions.

(3) A person or body appearing or represented before the Board shall comply with the Rules of the Board and with any directions given by the Board.

37. Within 14 days of the date of the reference of a matter to the Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the ESC shall cause to be delivered to the Secretary of the Board any documents and material relevant to the reference.

38. The ESC, as soon as practicable after delivering the report referred to in section 34 to the Secretary of the Board, shall cause a signed copy of the report to be delivered to the respondent.

39. The Board may at any time and from time to time give directions:

(a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference;

(b) as to the conduct of its inquiry into the reference.

40. The Board may at any time and from time to time give directions to the ESC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the ESC shall to the best of its ability cause such directions to be carried out.

41. (1) The Board shall deal with any reference as expeditiously as possible.

(2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the ESC and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.

42. (1) The place and time of sitting of the Board comprising two or more members shall be as determined by the presiding member.

(2) The place and time of sitting of the Board comprising one member shall be as determined by that member.

43. (1) Subject to sub-section (2), the Board must give the following persons reasonable notice of the time and place of a sitting of the Board:

(a) the Director; and

(b) the respondent; and
such other persons as the Board believes have a proper interest in the matter.

(2) The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

44. In any proceedings before the Board:

(a) the ESC and any person may be represented by a legal practitioner or, with leave of the Board, by any other person;

(b) the ESC or its appointed representative shall do all in its power to assist the Board and shall carry out any directions of the Board;

(c) the Board:

(i) must give the ESC and the respondent a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board; and

(ii) must give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.

45. (1) Subject to sub-section (2), a sitting of the Board on a reference before the Board is an open sitting.

(2) On any such sitting before the Board, the Board has an absolute discretion:

(a) to direct that no person other than:

(i) the respondent and any person representing him or her in the proceedings; and

(ii) witnesses or persons making submissions (while giving evidence or making those submissions); and

(iii) officers of the Board or persons assisting the Board; and

(iv) members of or persons appointed by the ESC;

be present in the room while the Board is sitting; or

(b) to direct that a particular person (other than a person referred to in paragraph (a)) not be present in the room while the Board is sitting.

46. The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
47. (1) The Board may require a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the Board the cost of which shall be met from funds under the control of the General Synod.

(2) A copy of the report of an examination under subsection (1) shall be provided to the respondent and to the Board.

48. In making any determination the Board shall take into account:

(a) the conduct of the bishop as it finds it to have been;
(b) in the material before the Board, any other fact or circumstance relevant to the determination of the question before it; and
(c) any failure of the bishop to comply with a provision of this Canon or with a direction of the Board.

49. If, after investigating the question referred to it about a bishop, the Board is satisfied that:

(a) the bishop should be counselled;
(b) the bishop's continuation in office should be subject to conditions or restrictions;
(c) the bishop is unfit, whether temporarily or permanently, to hold office; or
(d) the bishop is unfit to remain in Holy Orders;

the Board may determine accordingly and may:

(e) direct that the bishop be counselled;
(f) direct that the bishop's holding of office shall be subject to such conditions or restrictions as the Board may specify;
(g) direct that the bishop cease to carry out the duties and functions of his office from such time and for such period determined by the Board;
(h) direct that the bishop resign from the office, within such time as is specified by the Board;
(i) direct that the operation of a determination referred to in paragraphs (f) to (h) shall be suspended for such period and upon such conditions as the Board shall specify;
(j) direct that the bishop relinquish Holy Orders within such time as is specified by the Board;
(k) give such other direction as the Board sees fit.
50. The Board shall cause a copy of each determination and direction to be provided:

(a) to the Primate;
(b) to the relevant Metropolitan;
(c) to the respondent;
(d) to the relevant administrator; and

shall cause relevant details to be forwarded for entry into the national register.

51. (1) The bishop shall comply with a direction of the Board.
(2) Failure of the bishop to comply with a direction of the Board is an offence.
(3) The ESC may institute proceedings forthwith in the Tribunal in respect of an offence against this section or, if the bishop is no longer a Bishop, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the bishop of the diocese in which the bishop is then resident.

PART 8: APPEAL

52. In this Part, unless the context otherwise requires

“reviewable decision” means a recommendation or determination of the Board other than by way of an interlocutory order;

“Review Tribunal” means the Review Tribunal referred to in section 63A of the Constitution or, if no such section has been enacted, a Review Tribunal constituted for the purposes of this Part;

“the appropriate State professional body” means the Bar Association or equivalent body or, if there is no such body, the Law Society of the State or Territory in which the Bishop when a Bishop resides or resided as the case may be;

“the relevant Chancellor” means the Primate’s Chancellor or, if the intended subject of a review under this Part is the Primate, the Chancellor of the Senior Metropolitan referred to in section 10 of the Constitution.

53. For the purposes of this Canon the Review Tribunal shall consist of a barrister of not less than 5 years standing appointed by the President of the appropriate State professional body or, if the President is unwilling to appoint, or unreasonably delays doing so, appointed by the relevant Chancellor.
54. A bishop who is aggrieved by a reviewable decision may apply to the Director for a review of the decision.

55. The application may be made on any one or more of the following grounds:

(a) That a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the decision;

(b) That procedures that were required by this Canon to be observed in relation to the making of the reviewable decision were not observed, and the non-observance materially affected the decision;

(c) That the Board did not have jurisdiction to make the reviewable decision; or

(d) That the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it.

56. For a reviewable decision, the provisions of section 51 shall not apply until the time for lodging an application for review has passed, and no application has been lodged.

57. The making of an application for review acts as a stay of the reviewable decision pending determination by the Review Tribunal.

58. For a reviewable decision, the Board shall not cause the relevant details to be forwarded for entry into the national register under section 50 until:

(a) the time for lodging an application for review has passed, and no application has been lodged; or

(b) where an application for review has been heard and determined, the determination has been made.

59. If leave to appeal is refused or a determination on review confirms or varies a reviewable decision, then the Board must cause the details of the confirmed or varied decision to be forwarded for entry into the national register as soon as it receives the Review Tribunal’s determination.

60. If a Review Tribunal’s determination refers a matter back to the Board, then the Board must:

(a) determine to take no further action in respect of the matter; or

(b) deal with the matter in accordance with Part VII of this Canon, in accordance with such directions or recommendations as the Review Tribunal may make in the Tribunal’s determination; or
(c) deal with the matter in accordance with Part VII of this Canon applying such of the provisions of Part VII as, in the discretion of the Board and in accordance with the Review Tribunal’s determination, the Board sees fit.

61. An application to the Director for review of the reviewable decision must be made within 14 days of the bishop’s being provided with a copy of the Board’s determination and recommendation under section 50. The application for review must:
   
   (a) be in writing addressed to the Director; and
   
   (b) set out the grounds for review in the application.

62. On receipt of an application for review, the Director must immediately seek the appointment of a Review Tribunal.

63. Upon appointment of a Review Tribunal, the Director must ask the Review Tribunal for the Tribunal’s estimate of the fee to be charged by the Review Tribunal in making a determination under this Part. Upon receipt of advice as to the estimated fee, the Director must immediately notify the applicant. Within 7 days of receipt of the Director’s advice, or such further time as the Review Tribunal may allow, the applicant must pay one half of the estimated fee to the Review Tribunal, or to a person nominated by the Tribunal. If the applicant fails to make the payment within the time specified, then the application for review will lapse.

64. Unless otherwise specified in this Canon, the manner in which the review is to be conducted will be determined by the Review Tribunal.

65. On an application for review of a reviewable decision, the Review Tribunal may make all or any of the following determinations:

   (a) a determination quashing or setting aside the reviewable decision;
   
   (b) a determination referring the matter to which the reviewable decision relates to the Board for further consideration, subject to such directions (including the setting of time limits for the further consideration, and for the steps to be taken in the further consideration) as the Review Tribunal determines;
   
   (c) a determination declaring the rights of the applicant in relation to any matter to which the reviewable decision relates;
   
   (d) a determination directing either the applicant or the Board, to do, or to refrain from doing, anything that the Review Tribunal considers necessary to do justice between the parties; or
   
   (e) a determination confirming the reviewable decision.
66. The Review Tribunal may make such order as to the costs of the review as the Tribunal thinks fit.

67. The review shall be by way of a review of the recommendation or determination that is the subject of the review and not by way of re-hearing.

**Part 9: Regulations**

68. The Standing Committee may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for records arising out of or incidental to the operation of this Canon, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

**Part 10: Adoption**

69. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the Diocese.
NATIONAL REGISTER CANON 2007

Canon No. 15, 2007 as amended by Canon No. 13, 2010

The General Synod prescribes as follows:

Short title
1. This Canon may be cited as the “National Register Canon 2007”.

Definitions
2. The dictionary in the Third Schedule defines particular words and expressions used in this Canon.

Object
3. The object of this Canon is to assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the Information therein.

Establishment of the National Register
4. There shall be a National Professional Standards Register of clergy and lay persons established and maintained in accordance with the provisions of this Canon.

Information about clergy
5.¹ The National Register shall be a register of all clergy:

(a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or

(b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;

(c) who have made an adverse admission or are the subject of an adverse finding; or

(d) in respect of whom there has been an adverse working with children check or an adverse criminal history check or an adverse Safe Ministry Check; or

¹ Amended by Canon 13, 2010
who have not been ordained as a priest or as a bishop, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.

(2) The register of clergy shall contain the following matters:
(a) Information relating to clergy; and
(b) in relation to each member of the clergy included in the register, a notation of the date on which the register was last altered.

Information about lay persons
692 (1) Subject to this Canon the National Register shall be a register of all lay persons:
(a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or
(b) who have made an adverse admission or are the subject of an adverse finding; or
(c) in respect of whom there has been an adverse working with children check or an adverse criminal history check or an adverse Safe Ministry Check; or
(d) who have not been ordained as a deacon, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.

(2) The register of lay persons shall contain the following matters:
(a) Information relating to lay persons; and
(b) in relation to each lay person included in the register, a notation of the date on which the register was last altered.

Maintenance of the National Register
7. (1) Subject to this Canon, the National Register shall be maintained by the General Secretary in such form as the Standing Committee shall approve so as to ensure the security of the Information therein.

(2) The General Secretary shall issue forms necessary for the operation of the National Register and publish these forms on the website of the General Synod.

Provision of Information for inclusion in the National Register
893 (1) A Director of Professional Standards shall notify the General Secretary

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92 Amended by Canon 13, 2010
93 Amended by Canon 13, 2010
of Information relating to any member of the clergy or lay person to which he or she has access in carrying out his or her responsibilities, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority, as soon as practicable, and no later than one month after he or she has access to the Information.

(2) On receipt of a notification under sub-section (1), the General Secretary shall promptly enter the notified Information in the National Register.

(3) A Director of Professional Standards shall advise the General Secretary if Information of which he or she is aware has not been notified in accordance with sub-section (1) as soon as practicable after the expiration of the period specified in sub-section (1).

(4) The General Secretary shall:

(a) after receipt of advice under sub-section (3), promptly enter a caution in the National Register in relation to the member of the clergy or lay person, the subject of that Information; and

(b) no later than one month after the entry of that caution in the National Register, notify the member of the clergy or lay person concerned, by letter sent to his or her last known postal or electronic address, of:

(i) the entry of the caution; and

(ii) the right of that person to request in writing of the General Secretary the removal of the caution in accordance with sub-section (6).

(5) A Director of Professional Standards who has given the General Secretary advice in accordance with sub-section (3) shall as soon as practicable after giving such advice notify that Information to the General Secretary.

(6) The General Secretary shall promptly after the earlier of:

(a) notification by a Director of Professional Standards under sub-section (5); and

(b) the expiration of two months from receipt of a request in writing from the member of the clergy or lay person the subject of the caution requesting its removal, remove the caution from the National Register.
Exclusion from operation of the canon

8A (1) The General Synod, or the Standing Committee, may establish exclusion criteria, and shall publish any such criteria on the General Synod website.

(2) If exclusion criteria are established they must include:
(a) a system of screening for sexual misconduct in relation to adults and child abuse;
(b) a code of conduct; and
(c) a system for making and dealing with complaints of sexual misconduct in relation to adults and child abuse.

(3) The General Synod, or Standing Committee by a two-thirds majority, on application by a province or diocese may exclude from the operation of this Canon for such period as it determines:
(a) a Church body other than a parish; and
(b) a category of church workers;
if it is satisfied that the Church body or the category of church workers meets the exclusion criteria.

(4) The exclusion of a Church body from the operation of this Canon shall not apply to any clergy employed by or exercising ministry within the Church body unless otherwise specified in the exclusion.

(5) The General Synod, or the Standing Committee by a two-thirds majority, may in respect of an exclusion referred to in sub-section (3) revoke the exclusion if it is satisfied that the Church body or the category of church workers no longer meets the exclusion criteria.

(6) The General Secretary shall publish on the website of the General Synod a list of all Church bodies and categories of church workers excluded from the operation of this Canon and the date on which the exclusion took effect and if applicable the period during which the exclusion had effect.

Notification of Information in the National Register

9. The General Secretary shall, as soon as practicable, and no later than one month, after the entry of Information in the National Register relating to a member of the clergy or a lay person (other than a changed entry relating to item 4 of each of the First and Second Schedules), notify the member of the clergy or lay person concerned of the entry of that Information by letter sent to his or her last known postal or electronic address.

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94 Added by Canon 13, 2010
Removal of Information in the National Register

10.\(^{95}\) (1) A Director of Professional Standards shall notify the General Secretary as soon as practicable after becoming aware that a notifiable complaint or a notifiable charge against a member of clergy or a lay person has been exhausted.

(2) Where notification is received from the applicable Director of Professional Standards that a notifiable complaint or notifiable charge against a member of the clergy or a lay person has been exhausted, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that notifiable complaint or notifiable charge and notify:

(a) the member of the clergy or lay person concerned of the removal of that Information by written notification sent to his or her last known postal or electronic address; and

(b) each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the removal of that Information, by written notification.

(3) Each authorised person referred to in subsection (2)(b), shall, as soon as practicable and no later than one month after the receipt of the notification referred to in that subsection, forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

(4) Where notification is received from the applicable Director of Professional Standards that a member of the clergy or a lay person relating to whom there is Information in the National Register has died, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that member of the clergy or lay person.

Access to and disclosure of Information in the National Register

11. Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons:

(a) a diocesan bishop or delegate;

(b) the Bishop to the Defence Force or delegate;

(c) a Director of Professional Standards;

(d) the General Secretary;

\(^{95}\) Amended by Canon 13, 2010
(e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; and

(f) such other persons as may be determined by the Standing Committee by a two-thirds majority;

who agree to abide by the protocols under this Canon approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain the existence and obtain a copy of any Information in the National Register

12. The General Secretary, on application by a person to ascertain whether there is any Information, and if so to obtain a copy of the Information, in the National Register relating to that person, shall notify the person whether there is any such Information, and if so provide a copy of that Information to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain details of access to Information in the National Register

13. The General Secretary, on application by a person to ascertain whether there has been access to any Information in the National Register relating to that person by an authorised person, shall notify the person whether there has been any such access, and if so provide details of that access to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Amendment of Information in the National Register

14. (1) The General Secretary, on application by a person to amend the Information in the National Register relating to that person, shall:

(a) amend the Information in the National Register relating to that person, or

(b) include a statement of the person in the National Register, subject to any limitation on the length of any amendment or statement determined by the Standing Committee, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

(2) The General Secretary shall, as soon as practicable and no later than one month after making the amendment or including the statement referred to in sub-section (1), notify by written notification each authorised person who
has had access to that Information, other than the person or persons in sub-
sections 11(d) and (e), of the making of that amendment or the inclusion of that
statement.

(3) Each authorised person referred to in sub-section (2) shall, as soon as practicable
and no later than one month after the receipt of the notification referred to in
sub-section (2), forward a copy of that notification to each Church authority
to whom the authorised person has disclosed the Information.

Annual report and audit

15. (1) The General Secretary shall, as soon as practicable after the end of each
calendar year, provide a report as to the operation of the National Register
to the Standing Committee for that year containing such information as the
Standing Committee may determine.

(2) The Standing Committee shall:

(a) determine the scope of an audit of the operation of the National
Register to verify compliance with this Canon and the protocols under
this Canon; and

(b) appoint a person to undertake an audit of the operation of the National
Register for each calendar year and provide a report to the Standing
Committee as soon as practicable after the end of that year.

Protocols

16. The Standing Committee by a two-thirds majority may revise any protocol or make
any additional protocol under this Canon where it is necessary or convenient to carry
out or give effect to this Canon.

Report to the General Synod

17. The Standing Committee shall prepare a report on the operation of this Canon for
each ordinary session of the General Synod which shall include:

(a) any protocol under this Canon which the Standing Committee has
approved or revised, and

(b) any other decision under this Canon which the Standing Committee
has made,

since the last ordinary session of the General Synod.

Coming into force of particular provisions

18. (1) Paragraphs (a), (b), (c) and (f) of section 11 of this Canon shall not come into
force until 1 March 2008.
(2) The provisions of this Canon relating to the Episcopal Standards Board shall not come into force in a diocese unless and until the diocese adopts the Episcopal Standards Canon 2007 by ordinance of the synod of the diocese.

**Repeal of the National Register Canon 2004**

19. The National Register Canon 2004 is hereby repealed.

**THE FIRST SCHEDULE - INFORMATION ABOUT CLERGY**

1. Full name.
2. Date of birth.
3. Gender.
4. Last known postal and electronic address, and telephone numbers.
5. Date of ordination as a deacon and name of the diocese in which ordained.
6. Date of ordination as a priest and name of the diocese in which ordained.
7. Date of consecration as a bishop and name of the diocese in which consecrated.
8. Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
9. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
10. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
11. Date and reason the Investigator refrained from investigating a notifiable complaint.
12. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
13. Date of reference of a notifiable complaint to a Determiner.
14. Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.
15. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
16. Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.
17. Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.

18. Date, applicable jurisdiction and particulars of any adverse working with children check.

19. Date, applicable jurisdiction and particulars of any adverse criminal history check.

20. Date, applicable diocese and particulars of any adverse Safe Ministry Check.

21. Name of the bishop or bishops and date of any decision by the bishop not to ordain the person as a priest or to issue a licence to the person or any refusal by the bishops to consecrate the person as a bishop because of an adverse risk assessment.

22. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.

23\textsuperscript{96} Date, applicable jurisdiction and particulars of a notifiable charge.

24\textsuperscript{97} Date, applicable jurisdiction and particulars of an adverse admission.

25\textsuperscript{98} Date, applicable jurisdiction and particulars of an adverse finding.

THE SECOND SCHEDULE - INFORMATION ABOUT LAY PERSONS

1. Full name.

2. Date of birth.

3. Gender.

4. Last known postal and electronic address, and telephone numbers.

5. Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.

6. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.

7. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.

8. Date and reason the Investigator refrained from investigating a notifiable complaint.

9. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.

\textsuperscript{96} Added by Canon 13, 2010

\textsuperscript{97} Added by Canon 13, 2010

\textsuperscript{98} Added by Canon 13, 2010
10. Date of reference of a notifiable complaint to a Determiner.

11. Date and particulars of a determination or recommendation of a Determiner arising out of a notifiable complaint.

12. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.

13. Date, applicable jurisdiction and details particulars of any adverse working with children check.

14. Date, applicable jurisdiction and particulars of any adverse criminal history check.

15. Date, applicable diocese and particulars of any adverse Safe Ministry Check.

16. Name of the bishop and the date of any decision by the bishop not to ordain the person as a deacon or to issue a licence to the person because of an adverse risk assessment.

17. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.

18. Date, applicable jurisdiction and particulars of a notifiable charge.

19. Date, applicable jurisdiction and particulars of an adverse admission.

20. Date, applicable jurisdiction and particulars of an adverse finding.

THE THIRD SCHEDULE – DICTIONARY

In this Canon, and protocols approved under this Canon, unless the context otherwise requires:

“adverse admission” means an admission by a person of conduct occurring within or outside of Australia:

(a) in proceedings before a court or tribunal within or outside of Australia;

(b) to a Church authority; or

(c) to a Director of Professional Standards;

which is made or recorded in writing and which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

“adverse criminal history check” means a criminal history check of a person provided under legislation of the Commonwealth, a State or Territory, or another country disclosing the commission of a criminal offence by that person which a Director of Professional Standards certifies arises out of sexual misconduct or child abuse by that person;

99 Added by Canon 13, 2010
100 Added by Canon 13, 2010
101 Added by Canon 13, 2010
102 Added by Canon 13, 2010
“adverse finding” means:

(a) the conviction of a person of a criminal offence;
(b) the finding that a person is guilty of a criminal offence without proceeding to a conviction; or
(c) a finding against a person;

by a court or tribunal within or outside of Australia, which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

“adverse risk assessment” means an assessment that a person is unsuitable for ordination or the issue of a licence or an appointment:

(a) made by or on behalf of a Church authority on the grounds of; or
(b) certified by a Director of Professional Standards to arise out of;

the risk of sexual misconduct or child abuse by that person;

“adverse Safe Ministry Check” means a Safe Ministry Check of a person disclosing sexual misconduct or child abuse or the risk of sexual misconduct or child abuse by that person;

“adverse working with children check” means a working with children check:

(a) which prevents a person from applying for or engaging in specified paid or voluntary work involving children; or
(b) which discloses adverse information relevant to the application of a person for specified paid or voluntary work involving children;

“Appellate Tribunal” means the Appellate Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

“appointment” includes employment;

“authorised person” means a person referred to in section 11;

“bullying” means repeated behaviour directed to a child or children which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the child or children, and which creates a risk to their health and safety;

“caution” means a notice that Information of which a Director of Professional Standards is aware and to which he or she has access in carrying out his or her responsibilities has not been entered in the National Register within the time specified in section 8(1);

“child” means anyone under the age of 18;
“child abuse” means the following conduct in relation to a child:
(a) bullying\(^{106}\); or
(b) emotional abuse; or
(c) neglect; or
(d) physical abuse; or
(e) sexual assault, sexual harassment or sexually inappropriate
behaviour\(^{107}\); or
(f) spiritual abuse;

“Church authority” means a diocesan bishop or a person or body having authority to
ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person;

“Church body”\(^{108}\) means:

any body corporate, organisation or association that exercises ministry within, or on
behalf of, or in the name of, the Church formed by or by the authority of the synod
of a province or a diocese or the General Synod;

“church worker” means a lay person:
(a) who is or was licensed or authorised by the bishop of a diocese; or
(b) who is or was employed by a Church body\(^{109}\); or
(c)\(^{110}\) who, for payment or not, holds or has held a position or performs a function with
the actual or apparent authority of a Church authority or Church body, including an
office, position or function:

(i) of leadership in a parish, diocese or General Synod body; and
(ii) as a member of the General Synod or a diocesan synod; and
(iii) as a member of a body incorporated by the General Synod, a diocese or a
diocesan synod; and
(iv) as a churchwarden, member of any parish council or member of any committee
constituted by or by the authority of the General Synod, a diocesan synod or a
parish council;

“clergy” means a person who is or has been a bishop, priest or deacon in this Church, but
does not include a deceased person;

\(^{106}\) Amended by Canon 13, 2010
\(^{107}\) Amended by Canon 13, 2010
\(^{108}\) Amended by Canon 13, 2010
\(^{109}\) Amended by Canon 13, 2010
\(^{110}\) Amended by Canon 13, 2010
“court or tribunal”111 means, in relation to an adverse finding or an adverse admission, a court or tribunal which has jurisdiction:

(a) to make the adverse finding, or

(b) to make an adverse finding in relation to the conduct which is subject to the adverse admission;

“Defence Force Representative” means the Bishop to the Defence Force or delegate or the Director of Professional Standards of the Defence Force or their successors in office;

“Determiner” means:

(a) the person or body in a diocese having power to make findings or recommendations relating to the conduct of clergy or church workers; or

(b) the Special Tribunal; or

(c) the Episcopal Standards Board; or

(d) the Appellate Tribunal; or

(e) any other person or body determining an appeal from a person or body having power to make findings or recommendations relating to the conduct of clergy or church workers;

“diocesan bishop” means the bishop of a diocese, or in the absence of the bishop the commissary appointed by the bishop, or in the time of a vacancy in the see the administrator of the diocese or their successors in office;

“Diocesan Representative” means the diocesan bishop or delegate or the Director of Professional Standards of the diocese;

“Director of the Episcopal Standards Commission” means:

(a) the Director of the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007; or

(b) a person acting in that office;

“Director of Professional Standards” means:

(a) the Director of Professional Standards of a diocese or the Defence Force or his or her successor in office; or

(b) the person who carries out the functions of a Director of Professional Standards in a diocese or the Defence Force or his or her successor in office; or

(c) the person who works in conjunction with the Investigator; or

111 This canon was passed provisionally as Canon P2, 1989.
(d) the Director of the Episcopal Standards Commission or his or her successor in office; or

(e) a person acting in such an office;

“emotional abuse” means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“Episcopal Standards Board” means the Episcopal Standards Board constituted under the Episcopal Standards Canon 2007;

“Episcopal Standards Commission” means the Episcopal Standards Commission constituted under the Special Tribunal Canon 2007;

“Exempt Information” means Information relating to a notifiable complaint or a notifiable charge, where the notifiable complaint or the notifiable charge has been exhausted;

“exhausted” means a notifiable complaint or a notifiable charge which:

(a) has been withdrawn; or

(b) has been determined to be false, vexatious or misconceived; or

(c) is one where a Determiner finds that it is more likely than not that the subject matter of the complaint did not occur; or

(d) is one where a court or tribunal finds that it is more likely than not that the subject matter of the charge did not occur;

“General Secretary” means:

(a) the General Secretary of the General Synod or his or her successor in office; or

(b) a person acting in that office;

“Information” means the matters other than Exempt Information, whether occurring before or after this Canon came into force:

(a) relating to clergy specified in section 5(1):

(i) which are referred to in the First Schedule; and

(ii) which, as to any additional matters, are determined by the Standing Committee; or

(b) relating to lay persons specified in section 6(1):

(i) which are referred to in the Second Schedule; and

(ii) which, as to any additional matters, are determined by the Standing Committee;

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112 This canon was passed provisionally as Canon P2, 1989.
113 This canon was passed provisionally as Canon P2, 1989.
114 This canon was passed provisionally as Canon P2, 1989.
“Investigator” means the person or body in a diocese having power to investigate or cause to be investigated the conduct of clergy or lay persons or the Episcopal Standards Commission;

“lay person” means a person who has not been ordained, but does not include a deceased person;

“licence” includes an authority or permission to officiate;

“National Register” means the National Professional Standards Register referred to in section 4;

“neglect” means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“notifiable charge” means the charge of a person of:

(a) the commission of a criminal offence; or
(b) the engagement in professional misconduct;

occurring within or outside of Australia, which a Director of Professional Standards certifies arises out of alleged sexual misconduct or child abuse by that person;

“notifiable complaint” means a complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring:

(a) which has been communicated to the member of the clergy or lay person; or
(b) which the Director of Professional Standards has certified has been sent to the last known postal or electronic address of the member of the clergy or lay person;

“physical abuse” means the physical assault of a child other than lawful discipline by a parent or guardian;

“professional standards role” means a role undertaken as part of the professional standards policies and procedures and includes the role of a contact person, support person, Investigator and Determiner;

“prohibition order” means an order prohibiting a member of the clergy or a church worker from holding a specified position or office in or being appointed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to any appointment by a Church body;

“Safe Ministry Check” means the questionnaire for the selection of ordination candidates, for the screening of clergy, and for the screening of church workers who have contact with children in his or her ministry, in use in a diocese or the Defence Force;

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115 This canon was passed provisionally as Canon P2, 1989.
“sexual exploitation” means any form of sexual contact or invitation to sexual contact with an adult, with whom there is a professional or pastoral or supervisory relationship, regardless of who initiated the contact, but does not include such contact or invitation within a marriage;

“sexual misconduct” means

(a) in relation to an adverse admission or adverse finding – sexual assault, sexual exploitation or sexual harassment; and

(b) in any other case – sexual assault, sexual harassment or sexually inappropriate behaviour;

“Special Tribunal” means the Special Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

“spiritual abuse” means the mistreatment of a child by actions or threats when justified by appeal to God, faith or religion where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“Standing Committee” means the Standing Committee of General Synod;

“withdrawn” in relation to a notifiable complaint includes the circumstance in which a Director of Professional Standards certifies that the person making the complaint has failed without reasonable excuse to comply with the relevant canon, ordinance, rule or protocol under which the complaint has been made;

“working with children check” means checking or screening relating to the suitability of a person to apply for or engage in specified paid or voluntary work involving children under the legislation of a State or Territory.
Protocol for Provision of Information for Inclusion in the National Register

Title

1. The Protocol may be cited as the “Protocol for provision of Information for inclusion in the National Register 2007”.

Definitions

2. The words and expressions used in this Protocol have the same meaning as in the National Register Canon 2007.

Notification of Information by the Director of Professional Standards

3. A Director of Professional Standards who is required to notify the General Secretary of Information relating to any member of the clergy or lay person shall complete the form issued by the General Secretary, and send the completed form to the General Secretary.

3A. The General Secretary may make such inquiries and make such communications as he reasonably considers necessary of and to any Director of Professional Standards for the purpose of checking the accuracy of the Information, or obtaining relevant additional Information.

Provisional entry of Information in the National Register

4. Subject to clause 3A, as soon as practical after receiving the notification of a Director of Professional Standards referred to in clause 3, the General Secretary shall provisionally enter the Information in the National Register, and provide the Director of Professional Standards with a copy of the provisional entry of the Information.

Review of provisional entry of Information by the Director of Professional Standards

5. As soon as practical after receiving the copy of the provisional entry of the Information referred to in clause 4, the Director of Professional Standards shall review the provisional entry of the Information and notify the General Secretary as to whether the provisional entry of the Information is accurate or requires amendment.

Entry of Information in the National Register

6. As soon as practical after receiving the notification of the Director of Professional Standards referred to in clause 5, the General Secretary shall, after making any amendment, finally enter the Information in the National Register.

118 Inserted by Standing Committee resolution SC 2009/1/041, February 2009

119 Amended by Standing Committee resolution SC2009/1/041, February 2009
Protocol for Access to and Disclosure of Information in the National Register

Part 1: General

Title

1. The Protocol may be cited as the “Protocol for access to and disclosure of Information in the National Register 2007”.

Part 2: Access by Authorised Persons

Acknowledgment and agreement of authorised persons

2. The General Secretary must not allow an authorised person other than himself or herself to have any access to Information in the National Register unless he or she has received a signed document in the form of the acknowledgement and agreement at the end of this Schedule from the authorised person. The General Secretary must sign this form of acknowledgement and agreement before undertaking any responsibility under this Canon. The acknowledgment and agreement will remain in force unless withdrawn or the signatory ceases to be an authorised person.

Register of authorised persons

3. The General Secretary must maintain a register of the name, contact details, and the period of access to the National Register, of each authorised person.

Record of reason for access

4. Each time an authorised person has access to Information in the National Register relating to a member of the clergy or lay person (other than the General Secretary, or any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register), he or she must declare to the General Secretary the reason for the access, and the Church authority to which the Information will be disclosed.

Log of access by authorised persons

5. The General Secretary must maintain a log of each access recording the name of the authorised person and the member of the clergy or lay person, the details on the declaration relating to the access, and the date of access.
Access by and disclosure to third parties under compulsion of law

6. Subject to this Protocol, an authorised person may only give access to, and disclose, Information in the National Register relating to a member of the clergy or lay person to a person if compelled by law to do so.

PART 3: ACCESS AND DISCLOSURE BY A DIOCESAN REPRESENTATIVE

Ordination, the issue of a licence or appointment to a position within the diocese

7. Where a Church authority proposes to ordain, or issue a licence to, or to appoint to a position within the diocese, a member of the clergy or lay person, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Application for ordination, the issue of a licence or appointment to a position within the diocese

8. Where a member of the clergy or lay person applies for ordination, or the issue of a licence, or appointment to a position within the diocese, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Invitation to apply for ordination, the issue of a licence or appointment to a position within the diocese

9. Where a Church authority invites a member of the clergy or lay person to apply for ordination, or the issue of a licence, or appointment to a position within the diocese, and the member of the clergy or lay person expresses interest in making an application, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.
**PART 4: ACCESS AND DISCLOSURE BY THE DEFENCE FORCE REPRESENTATIVE**

10. The Defence Force Representative, where required to by the Primate or the Bishop to the Defence Force, is authorised to have access to and disclose any Information in the National Register relating to a member of the clergy or lay person in the same circumstances as a Diocesan Representative.

**PART 5: ACCESS AND DISCLOSURE BY A DIRECTOR OF PROFESSIONAL STANDARDS**

**Abuse and allegations of abuse**

11. Where a Director of Professional Standards receives information relating to sexual misconduct or child abuse or alleged sexual misconduct or child abuse by a member of the clergy or a lay person, he or she is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to an Investigator, Determiner or other applicable Church authority.

**Appointment of persons to professional standards roles**

12. Where a Church authority proposes to appoint a member of the clergy or lay person to or in a professional standards role, and the member of the clergy or lay person has expressed interest in accepting the appointment, the Director of Professional Standards, where required by the relevant procedures for the appointment of persons to professional standards roles, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person expressing interest in the appointment, and the Church authority.

**Election of bishop**

13\(^{120}\) Where a member of the clergy accepts nomination, or expresses interest in accepting nomination, for appointment as a bishop or has been so nominated and consents to a search of the National Register for Information relating to the nominee, the Director of Professional Standards, where required to by the procedures of the diocese for the election of a bishop, is authorised to have access to any Information in the National Register relating to the member of the clergy. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to each member of the clergy accepting nomination or nominated or expressing interest in accepting nomination, and the Church authority or nomination committee.

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\(^{120}\) Amended by Resolution SC2010/1/54 of the Standing Committee of General Synod on 16-18 April 2010
Election of persons by a Church authority

14. Where a Church authority holds an election for which members of the clergy or lay persons are candidates, the Director of Professional Standards, where required to by the procedures of the diocese for the conduct of elections, is authorised to have access to any Information in the National Register relating to the candidates. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the candidates, and the Church authority.

Consecration of bishop

15. Where a person in priest’s orders is to be consecrated bishop:
   (a) the Director of Professional Standards of the diocese for or in respect of which the consecration is to take place; or
   (b) the Director of Episcopal Standards in any other case;

   is authorised to have access to any Information in the National Register relating to the person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person to be consecrated and the Metropolitan, Primate or other bishop as the case requires.

Disclosure to third parties where there is consent

16. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose in writing whether there is any such, and if so what, Information to a third party, where he or she has received the consent in writing of the member of the clergy or lay person. The Director of Professional Standards must take reasonable steps to check the postal or electronic address of the third party before sending a letter containing the disclosure to the third party at that address.

Disclosure to third parties where necessary to protect persons from the risk of abuse

17. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose that Information to a third party, where he or she reasonably believes that disclosure is necessary to protect the third party or any other person from the risk of abuse by the member of the clergy or lay person.
PART 6: ACCESS AND DISCLOSURE BY THE GENERAL SECRETARY

Election of the Primate

18. When an election is held for the Primate, each of the General Secretary and the Director of Episcopal Standards, where required to by the Primate Canon 1985, is authorised to have access to any Information in the National Register relating to the candidates and disclose whether there is any such, and if so what, Information to the candidates, and the Board of Electors.

Election and appointment of persons by the General Synod

19. Where the General Synod holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the General Synod for the conduct of elections and making appointments, is authorised to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the General Synod.

Election and appointment of persons by the Standing Committee

20. Where the Standing Committee holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for the conduct of elections and making appointments, is authorised to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the Standing Committee.

Advice by the Standing Committee to the Primate regarding the appointment of members of the Professional Standards Commission.

20A.\textsuperscript{121} Where the Primate seeks the advice of the Standing Committee regarding the appointment of a member of the Professional Standards Commission under s 14 of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998, and a person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for giving advice regarding such an appointment, is authorised to have access to any Information in the National Register relating to the candidates for the appointment.

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\textsuperscript{121} Inserted by Resolution SC2009/3/036 of the General Synod Standing Committee 16–18 October 2009
Certificate as to Information in the National Register

21. The General Secretary will provide to a member of the clergy or lay person, at his or her request, a certificate stating whether there is any, and if so what, Information in the National Register relating to the member of the clergy or lay person.

PART 6A: ACCESS AND DISCLOSURE BY THE PRIMATE

Appointment of the General Secretary


21A Where the Standing Committee proposes to appoint the General Secretary (whether in a permanent or acting capacity), and a person expresses interest in the appointment, the Primate, where required to by the procedures of the Standing Committee for making such an appointment, is authorised to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

PART 7: ACCESS BY STAFF OF THE GENERAL SYNOD OFFICE

22 Any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register is authorised to have access to any Information in the National Register for the purpose of providing assistance to another authorised person and carrying out any maintenance or enhancement of the National Register.

Acknowledgment and agreement

I (insert name), the (insert position and diocese if applicable) acknowledge that I have read the protocols approved under the National Register Canon 2007:

(a) Protocol for provision of Information for inclusion in the National Register 2007;

(b) Protocol for access to and disclosure of Information in the National Register 2007;

(c) Protocol to ascertain the details of any Information and access to that Information in the National Register 2007;


I agree to abide by these protocols, and not to disclose my password to any other person.

(Date)

(Signature).
**Protocol to Ascertain Details of any Information and Access to that Information in the National Register**

**Title**

1. The Protocol may be cited as the “Protocol to ascertain details of any Information and access to that Information in the National Register 2007”.

**Application to ascertain details of any Information and access to that Information in the National Register**

2. A person applying:
   
   (a) to ascertain the existence and obtain a copy of any Information relating to himself or herself; or
   
   (b) to obtain details of any access to any Information relating to himself or herself by an authorized person;

   shall complete the form issued by the General Secretary in which is specified the postal or electronic address to which they General Secretary is to send the reply, and send the completed form to the General Secretary.

**Notification of the details of any Information and access to that Information in the National Register**

3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall, after being reasonably satisfied that the application is being made by the person specified therein, notify the person by written notification sent to his or her nominated postal or electronic address whether:

   (a) there is any Information in the National Register, and if so provide a copy of that Information; or

   (b) any authorised person has had access to any Information in the National Register relating to the person, and if so details of each declaration made by each authorised person under clause 4 of the Protocol for access to and disclosure of Information in the National Register 2007.
PROTOCOL FOR AMENDMENT OF INFORMATION IN THE NATIONAL REGISTER

Title
1. The Protocol may be cited as the “Protocol for amendment of Information in the National Register 2007”.

Application for amendment of Information in the National Register
2. A person making an application for the amendment of the Information in the National Register relating to himself or herself shall complete the form issued by the General Secretary, in which is specified:
   (a) the Information which is sought to be amended, and
   (b) the ground on which the amendment is sought, and
   (c) any evidence in support of the amendment, and
   (d) the corrected or additional Information that would be entered in the National Register, and the deleted Information that would be removed from the National Register, if the amendment were made, and
   send the completed form to the General Secretary.

Provision of the application to the Director of Professional Standards
3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall provide a copy of the application to the Director of Professional Standards who notified the General Secretary of the Information for inclusion in the National Register.

Review of the application by the Director of Professional Standards
4. As soon as practical, and no later than one month, after receiving a copy of the application referred to in clause 3 unless an extension of time is granted by the General Secretary, the Director of Professional Standards shall review the application and notify the General Secretary as to whether he or she agrees, disagrees or has insufficient information to be able to agree or disagree, with the proposed amendment.

Amendment of Information or inclusion of statement in the National Register
5. As soon as practical after receiving the notification of the Director of Professional Standards referred to in clause 4, the General Secretary, subject to the exclusion of irrelevant or scandalous matter, shall:
(a) where the Director of Professional Standards agrees with the proposed amendment, make the amendment;

(b) where the Director of Professional Standards disagrees with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, disagrees with the proposed amendment;

(c) where the Director of Professional Standards has insufficient information to be able to agree or disagree with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, has insufficient information to be able to agree or disagree with the proposed amendment, and notify the person making the application of its outcome.
HOLY ORDERS (RECEPTION INTO MINISTRY)
CANON 2004

Canon No. 17, 2007

The General Synod prescribes as follows:

Short title
1. This Canon may be cited as the Holy Orders (Reception into Ministry) Canon 2004.

Reception into ministry
2. (1) Subject to sub-section (2), where a person has been consecrated bishop or ordained priest or deacon in a Church which is not in communion with this Church by a bishop or bishops within the historic episcopate, the bishop of a diocese of this Church may receive that person into the ministry of this Church as bishop, priest or deacon, as the case may be.

(2) Before a bishop of a diocese receives a person into the ministry of this Church under this section, the bishop must first be satisfied by good and credible evidence –

(a) that the character and mode of living of the person as attested by witnesses specified by the bishop befit an ordained minister of this Church;

(b) that the attainments of the person in academic and theological studies are adequate for the person's proposed ministry in this Church;

(c) if the diocese is in a Province and the person is a bishop, a majority of the diocesan bishops of the Province have approved the proposed reception of the person into the ministry of this Church;

(d) if the diocese is not in a Province and the person is a bishop, a majority of the Metropolitans have approved the proposed reception of the person into the ministry of this Church;

(e) that the person’s reasons for desiring to be received into the ministry of this Church are sound and proper;

(f) that the person -

(i) has a sufficient knowledge of the doctrine, discipline and forms of worship of this Church and has a sufficient understanding of the

123 This Canon was provisionally made as Canon P1, 2004 and amended and passed in 2007.
matters in which this Church differs from the Church in which
the person was consecrated or ordained; and

(ii) accepts the doctrine, discipline and principles of worship of this
Church.

Form of service

3. A person may be received into the Ministry of this Church in accordance with a form
of service authorised by General Synod or prepared by the Liturgy Commission and
approved by the Standing Committee of General Synod.

Authority to minister

4. A person received into the ministry of this Church under this Canon shall not
exercise the ministry of bishop, priest or deacon in this Church unless pursuant to the
Constitution and the ordinances of this Church and the ordinances of the relevant
diocese and Province the person has been elected or appointed to an Episcopal office
in this Church or is otherwise duly authorised by the bishop of a diocese to minister
as a bishop, priest or deacon in that diocese.

Operation of Canon in diocese that has not adopted certain Canons

5. (1) Nothing in this Canon shall make it lawful for a woman ordained to the office
of deacon in a Church not in communion with this Church to be received into
the ministry of this Church as a deacon in a diocese in which the Ordination
of Women to the Office of Deacon Canon 1985 is not in force.

(2) Nothing in this Canon shall make it lawful for a woman ordained to the office
of priest or consecrated to the office of bishop in a Church not in communion
with this Church to be received into the ministry of this Church as a priest or
a bishop in a diocese in which the Law of the Church of England Clarification
Canon 1992 is not in force.

Coming into force by adoption

6. The provisions of this canon affect the order and good government of this Church
within a diocese and shall not come into force in a diocese unless and until the diocese
adopts this canon by ordinance of the synod of the diocese.
PART 1: PRELIMINARY

Title
This Canon may be cited as the “Trust Corporation Canon 2010”.

Definitions
1. In this Canon, unless the context otherwise requires –
   “the Corporation” means The Anglican Church of Australia Trust Corporation constituted under section 64 of the Constitution;
   “document” includes any contract, authority, bill of exchange and transfer of funds by whatever means;
   “General Synod property” means any real or personal property or any estate or interest therein under the control of or held for the purposes of the General Synod or any unincorporated body constituted by or under any Canon or Rule.
   “Trustees” means the persons constituting the Corporation referred to in section 64 of the Constitution.

Repeal of Corporate Trustees Canon
2. (1) The Corporate Trustees Canon 1962 is repealed.
   (2) Notwithstanding the repeal effected by sub-section (1), the Trustees holding office under the repealed Canon shall continue in office under and subject to the provisions of this Canon.

PART 2: APPOINTMENT AND TENURE OF OFFICE OF TRUSTEES

Number of Trustees
3. The number of Trustees shall be five, of whom three shall form a quorum.

Appointment
4. The Trustees shall be appointed by the Standing Committee and, subject to Section 6, shall hold office for such period and on such terms as the Standing Committee shall determine.
Tenure of Office

5. A Trustee shall hold office until he or she –
   (a) resigns, or
   (b) dies, or
   (c) is declared by any competent court incapable of managing his or her affairs, or
   (d) ceases to reside permanently in Australia, or
   (e) is retired by a resolution of General Synod or of the Standing Committee.

Vacancies

6. (1) A vacancy in the office of Trustee shall be filled by the Standing Committee.
   (2) The Trustees may act notwithstanding any vacancy in the office of Trustee.

PART 3: REGULATION OF AFFAIRS

Chair

7. The Chair of the Trustees shall be appointed by the Standing Committee for such period as the Standing Committee shall determine.

Meetings

8. (1) The Trustees may hold meetings as they see fit and may make rules for the conduct of their meetings.
   (2) The Chair shall have a deliberative but not a casting vote.
   (3) A telephone or video conference between the Trustees shall be taken to be a meeting of the Trustees at which the participating Trustees are present.

Resolutions

9. (1) A resolution signed by all Trustees shall be as valid and effective as a resolution made at a meeting of the Trustees.
   (2) A proposed resolution of the Trustees becomes a valid decision of the Trustees despite the fact that it is not voted on at a meeting of the Trustees if:
      (a) Notice of the proposed resolution is given to all members in accordance with procedures determined by the Trustees; and
      (b) At least three quarters of the Trustees in office express their concurrence in the proposed resolution by letter, email, facsimile transmission or other written communication setting out the terms of the resolution.
Execution of Documents

10. (1) The seal of the Corporation may be attached to any document pursuant to a resolution by the Trustees and countersigned by two Trustees.

(2) Subject to the provisions of this Canon, a document not required to be under seal may be executed by the Corporation by two Trustees in accordance with a resolution of the Trustees.

PART 4: PROPERTY AND AFFAIRS OF THE GENERAL SYNOD

General Synod Property

11. Subject to any particular trusts affecting General Synod property, the Corporation shall hold and administer all General Synod property in accordance with and subject to the provisions of any Rule of the General Synod.

General Synod Contracts

12. Any contract entered into by the Corporation on behalf of the General Synod shall be administered in accordance with the provisions of any Rule of the General Synod.

Authority of Standing Committee

13. (1) Unless it has good and substantial reasons for refusing to do so the Corporation is to act in accordance with any policy as directed by the Standing Committee from time to time and to carry out all determinations of the Standing Committee or its delegate.

(2) If the Corporation refuses to act in accordance with such policy or to carry out a determination of the Standing Committee or its delegate it must forthwith notify in writing its refusal and its reasons for refusal to the Standing Committee.

Delegation

14. (1) Any person, persons or body authorised by the General Synod or the Standing Committee to enter into a contract on behalf of the General Synod or Standing Committee or otherwise authorised to act on behalf of the General Synod or the Standing Committee in respect of its property or affairs is authorised to enter into such contract and to act on behalf of the Corporation in respect of such matter and to execute any documents on behalf of the Corporation to give effect to the authority given by the General Synod or the Standing Committee as the case may be.
The person or persons authorised to sign any bill of exchange or to effect the transfer of funds of the Corporation shall be determined from time to time by the Standing Committee subject to the approval of the trustees, which approval shall not be unreasonably withheld.

**Management**

15. Subject to any trusts affecting General Synod property, General Synod property shall be held and any contract entered into by the Corporation on behalf of the General Synod or Standing Committee shall be administered subject to the direction of the General Synod or the Standing Committee.

**Indemnity**

16. The Corporation and the Trustees, acting honestly and reasonably pursuant to this Part, are indemnified out of the General Synod property in respect of any liability arising out of or in the course of the non-exercise, the exercise or purported exercise of any power or authority under this Part.

**PART 5: OTHER TRUST PROPERTY**

**Consent under section 64(4) of the Constitution**

17. (1) The consent of the synod of a diocese or the consent of a society, council, board, agency or authority required under subsection (4) of section 64 of the Constitution shall be given by ordinance or resolution of such synod, council, or board or by the committee of management of such society, agency or authority.

(2) A copy of such ordinance or resolution shall be lodged with the Corporation certified under the hand of the President of such synod or Chairman of the meeting of the council, board or committee as the case may be.

**Holding of Property**

18. Where the Corporation holds property in respect of which such consent has been given it shall be held subject to the written direction of such synod, society, council, board, agency or authority given pursuant to its constitution and subject to any trust affecting such property.

**Indemnity**

19. The Corporation and the Trustees, acting honestly and reasonably, are indemnified out of the funds held by them on trust under this Part in respect of any liability arising out of or in the course of the non-exercise, the exercise or purported exercise of their duties and activities under this Part.
PART 6: GENERAL

Report

20. The Trustees shall present a report of their administration to the Standing Committee at such intervals as the Standing Committee shall from time to time determine.
LONG SERVICE LEAVE
CANON 2010

CANON NO 7, OF 2010\(^{124}\)

The General Synod prescribes as follows:

Title
1. This canon may be called the “Long Service Leave Canon 2010”.

Commencement
2. (1) This Canon comes into operation on the first day of January next following the receipt by the General Secretary of General Synod of notices that it has been assented to by Ordinance of each of the dioceses that are participating dioceses under the Long Service Leave Canon 1992-1995 (the “Former Canon”) (in this Canon called “the date of commencement”).

(2) When the General Secretary of General Synod has received the necessary notices of assent for the purpose of sub-section (1), the General Secretary of General Synod shall notify as soon as possible each diocese of the date of commencement.

The Board
3. The Long Service Leave Board established by the Former Canon continues in existence under and subject to this Canon and the Schedule to this Canon.

The Fund
4. The Long Service Leave Fund maintained under the Former Canon continues in existence under and subject to this Canon and is in this Canon called “the Fund”.

Repeal
5. The Former Canon, the Long Service Leave (Amendment) Canon 2001 and the Long Service Leave Canon 2007 are repealed except that (save as provided in this Canon expressly or by necessary implication) all persons things and circumstances appointed or created by or under the Long Service Leave Canon 1966-1987 (“the Initial Canon”) or the Former Canon or existing or continuing under them immediately before the date of commencement under and subject to this Canon and the Schedule continue to have the same status operation and effect as they respectively would have had if the Initial Canon and the Former Canon had not been so repealed.

\(^{124}\) This canon was passed provisionally as Canon P2, 1989.
Entitlements

6. The provisions of the Long Service Leave scheme are prescribed in the Schedule.

Amendments to Schedule

7. (1) The Standing Committee of General Synod
   (a) may make regulations relating to the general operation of this Canon;
   (b) may, with the written consent of each Metropolitan, make such regulations amending the Schedule as the Standing Committee considers necessary for the purpose of ensuring that its provisions are consistent with legislation enacted by the Commonwealth, a State or Territory and applicable to the subject matter of this Canon.

   (2) A regulation made under sub-section (1)(b) ceases to have effect on 31 December after the close of the next following ordinary session of General Synod.

8. Any amendments to the Schedule shall be advised to the participating dioceses and organisations within 60 days of the agreement in clause 8.

Financial Protection Canon

9. The Corporation referred to in the Schedule is declared to be an Organisation to which the Financial Protection Canon 1995 applies.

SCHEDULE

PART I: INTRODUCTORY

Definitions

1. (1) Under this Schedule or in any regulation made pursuant to the provisions of this Schedule except in so far as the context or subject matter otherwise requires or indicates -
   “Board” means the Long Service Leave Board constituted under Part II of this Schedule;
   “Church” means the Anglican Church of Australia;
   “Commencement Date” means the date of commencement of the Long Service Leave Canon 2010;
   “Corporation” means the company limited by guarantee incorporated under the law of Victoria under the name Anglican Long Service Leave Fund Limited;
“Eligible Charity” means an institution, fund or trust established and maintained for the advancement of religion or other public charitable purposes the income of which is exempt from income tax in Australia;


“Fund Year” means a period of 12 months ending on the 31st day of December, or on such other date as the Board may determine, and includes, if the Board determines another date, such period more or less than 12 months as the Board determines;

“Initial Canon” means the Long Service Leave Canon 1966–1987;

“Member of the Clergy” means –

(i) a bishop of a diocese;
(ii) a person in holy orders collated instituted or licensed by the bishop of a diocese to the cure of souls in a parish or to any other appointment in a parish;
(iii) a bishop, dean, archdeacon, canon, principal, vice principal or tutor in holy orders of a university or theological college, a principal of a school or a chaplain, or other person in holy orders licensed to a distinct official position in the diocese or holding some other licence of the bishop of the diocese;
(iv) a person in holy orders on missionary service;
(v) for the purposes of this Schedule, in relation to a diocese the synod of which so resolves, a person licensed by the bishop of the diocese to exercise the office of deaconess in that diocese; or
(vi) the Bishop to the Defence Force and Defence Force chaplains in holy orders;

“Notional Stipend” means notional annual stipend within the meaning of section 41;

“Ordinary Stipend” in relation to a participant means stipend or salary at the rate paid to the participant immediately preceding the date on which the participant enters or is deemed to enter upon long service leave;

“Parish” includes any parochial district, or similar pastoral division constituted by or under ordinance of the synod of a diocese;
“Participant” means-
(i) a member of the clergy in receipt of an ordinary stipend; or
(ii) a person employed by a participating diocese or participating organisation who:
   (a) with the consent of the Board is nominated as a participant by the participating diocese or participating organisation; or
   (b) is a member of a class of people defined with the consent of the Board as a participant by the participating diocese or participating organisation;

for the purposes of this Schedule;

“Participating Diocese” means –
(i) a diocese of the Church which was a participating diocese for the purposes of the Initial Canon or the Former Canon; and
(ii) a diocese of the Church admitted under Part V of this Schedule to be a participating diocese;

“Participating Organisation” means –
(i) an organisation which was a participating organisation for the purposes of the Initial Canon or the Former Canon; and
(ii) an organisation admitted under Part V of this Schedule to be a participating organisation;

“Proper Officer” in relation to a participating organisation, means the person particulars of whose office, name and address are furnished to the Board by the participating organisation as those of the proper officer for the time being of the organisation for the purposes of this Schedule;

“Qualifying Service” means qualifying service within the meaning of section 34;

“Sabbatical Allowance” means an allowance paid to a participant to assist with the cost of taking leave;

“Service” means paid service in a full time or part time capacity as a participant;
(i) in a diocese of the Church or in a diocese which was formerly part of the Church;

(ii) as a missionary being service which the Board with the approval of the Standing Committee prescribes either generally or in a particular case to be or to have been missionary service; or

(iii) as an employee of a participating organization and includes any period during such service of annual holiday leave or of furlough and any period of long service leave under the Initial Canon and/or Former Canon or this Schedule, and “serve” and “serving” have corresponding meanings; and

“Standing Committee” means the Standing Committee of General Synod.

(2) Except in so far as the context or subject matter otherwise requires or indicates, words importing the singular number include the plural number and vice versa and words importing the masculine gender import the feminine and except for the word “deaconess”, words importing the feminine gender import the masculine.

(3) Headings of parts of this Schedule are deemed to be part of this Schedule but the headings to sections and any footnotes are not.

PART II: THE BOARD

The Board

2. For the purposes of this Schedule there is a Board called the Long Service Leave Board.

Membership

3. (1) A person may not be elected a member of the Board who has been declared by any competent court incapable of managing his or her affairs;

(2) Subject to section 4, the Board consists of 9 persons namely –

(a) 1 member of the House of Bishops;
(b) 2 members of the House of Clergy;
(c) 4 lay members of this Church;
each of them elected at an Ordinary Session of General Synod by the House of which that person is a member, or in the case of lay members, by the House of Laity and

(d) 2 members appointed by the Board for such term (not exceeding 3 years) as the Board may determine.

(3) Upon the date of commencement, the persons who held office as members of the Board established by the Former Canon hold office as members of the Board established by this Schedule as if duly elected by the respective House of General Synod of which they are members, or in the case of lay members by the House of Laity.

(4) A member of the Board to whom subsection (3) applies holds office, subject to this Schedule, until:

(a) in the case of the member who is elected by the House of Bishops, or of the member who is elected by the House of Clergy and the 2 members who are elected by the House of Laity to whom this paragraph applies, the first ordinary session of General Synod next following the date of commencement; or

(b) in the case of any other of those members - until the second ordinary session of General Synod next following the date of commencement.

(5) The members elected by the House of Clergy, and the members elected by the House of Laity, respectively, shall determine among themselves which member elected by the House of Clergy and which 2 members elected by the House of Laity paragraph 3(4)(a) shall apply to and, failing determination within 1 month after the date of commencement, the General Secretary of General Synod shall make the determination by lot.

(6) Subject to sub-section 3(4):

(a) a member of the Board elected by the House of Bishops holds office until the ordinary meeting of General Synod next following the election of the member; and

(b) a member of the Board elected by the House of Clergy or House of Laity holds office until the second ordinary session of General Synod next following the election of the member.

(7) A member of the Board is eligible for re-election.
Vacancies

4. (1) A member of the Board ceases to hold office if the member –
   (a) resigns;
   (b) dies;
   (c) is declared by any competent court incapable of managing his or her affairs and remains so;
   (d) fails to attend three successive meetings of the Board without leave of the Board; or
   (e) is removed by resolution of the Standing Committee.

(2) The Standing Committee by resolution may at any time –
   (a) remove a member of the Board from office; or
   (b) fill a vacancy which occurs in an office of member of the Board.

(3) If a vacancy is filled by the Standing Committee under subsection (2) the office of a member of the House of Bishops must be filled by a member of the House of Bishops, the office of a member of the House of Clergy must be filled by a member of the House of Clergy and the office of a lay member must be filled by a lay member of this Church.

(4) A vacancy or the omission to fill a vacancy does not affect the acts or authority of the Board.

(5) A person appointed to fill a vacancy holds office for the balance of the term of the person being replaced.

Chair

5. (1) The Board at its first meeting after each General Synod must elect from among its members a person to occupy the chair.

(2) In the absence of that person from a meeting of the Board the members present must elect from among themselves some other person to occupy the chair.

Quorum

6. The quorum for a meeting of the Board is 5 members.

Functions

7. The functions of the Board are the management and control of the Fund and any other functions which this Canon or the regulations require to be performed, and does not vest in some other body or person.
Powers

8. (1) The Board in performance of the functions vested in it by this Schedule has such powers as –

(a) are necessarily incidental to or convenient for the due performance of those duties; or

(b) are expressly vested in the Board by this Schedule.

(2) The Board may employ as agents and pay –

(a) any accountant, actuary, banker, barrister, solicitor, estate agent, fund manager, insurance broker, stock broker or other professional person; or

(b) any suitably qualified organisation;

to perform any function of the Board under the Long Service Leave Canon 2010 and this Schedule.

Rules and Regulations

9. (1) Subject to Part IV of this Schedule the powers of the Board include the power by resolution of the Board to make rules and regulations not inconsistent with this Schedule and necessary or convenient to be made for giving effect to this Schedule including, but without limiting the generality of the foregoing, with respect to –

(a) the Board’s own proceedings records and reports including the procedure for the making of rules and regulations and, without divesting itself of its responsibilities under this Schedule, the appointment of committees of its members and co-option to membership of any such committee;

(b) the contracting out to a suitably qualified organisation of the day to day administration of the Fund in accordance with the directions of the Board;

(c) the appointment of all necessary officers, definition of their duties and their remuneration (if any);

(d) money property investments and audit;

(e) actuarial investigations consultation approval and advice;

(f) contributors;

(g) benefits; and
any matters in which under this Schedule the Board has a discretion power or duty.

(2) Upon making a rule or regulation the Board must cause notice of its terms to be given to the Standing Committee, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(3) On the first day of the first Ordinary Session of General Synod after the making of a rule or regulation a copy of the rule or regulation must be laid before the Synod and it is lawful for the Synod at that session to disallow it, but disallowance by Synod does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(4) The Standing Committee may disallow a rule or regulation made by the Board at the first meeting of the Standing Committee after notice is given under subsection (2) but the disallowance does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(5) Upon disallowance by General Synod or the Standing Committee of a rule or regulation made under this Schedule the Standing Committee must cause notice of the disallowance to be given to the Board, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(6) Where a rule or resolution is disallowed, any other rules or resolutions made by the Board have effect as if the disallowed rule or resolution had never been made.

Actuarial Advice

10. No power or duty of the Board which entails actuarial knowledge, calculation or judgment may be exercised without obtaining and considering the advice of the Actuary.

Discretions

11. Subject only to this Schedule, the Board in exercise of the authorities, powers and discretions vested in it under this Schedule has an absolute discretion and –

(a) may exercise all or any of its powers, authorities and discretions from time to time; or

(b) (except so far as it may be necessary to give effect to any legal or enforceable rights of any person) may refrain from exercising all or any of its authorities, powers and discretions from time to time or at all.
Declaration of Interest
12. (1) Every member of the Board who –
   (a) is or becomes in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation; or
   (b) holds an office or possesses property whereby whether directly or indirectly duties or interests might be created in conflict with that member’s duties as a member of the Board; must as soon as practicable after the relevant facts have come to that member’s knowledge declare the facts nature and extent of the interest or conflict at a meeting of the Board.

   (2) That member must not for so long as the interest exists or the conflict is possible vote on any resolution of the Board touching that contract or property or office without the consent of all of the other members of the Board present.

   (3) The requirements of the preceding paragraphs or subsections of this section do not apply in any case where the interest consists only of –

         (a) an interest in a contract or proposed contract with the Corporation if the interest of the member of the Board may properly be regarded as not being a material interest;

         (b) that member’s interest as a participant; or

         (c) being an honorary office holder in an organisation or corporation with which the Corporation contracts.

Indemnity
13. (1) A person is entitled to be indemnified out of the Fund for any personal liability incurred by that person while acting within the authority conferred by this Schedule upon him or her as a member of the Board or officer or other appointee of the Board unless the personal liability is occasioned by that person’s own dishonesty or by his or her wilfully and knowingly being a party to an act resulting in the personal liability.

   (2) In relation to a person mentioned in subsection 13 (1) the expression “personal liability” means liability for –

         (a) any of his or her acts, receipts, neglect or default or those of any other Board member, officer or other appointee of the Board;

         (b) involuntary loss or misapplication of the Fund or of any entitlement payable from the Fund;
(c) any loss which results from the insufficiency of any security or from any investment made by the Board in good faith; or

(d) any loss brought about by a person or organisation employed under section 8 to perform a function of the Board in performing that function.

**Money**

14. (1) The Board must collect, and pay promptly into a bank, in the name of the Fund, all money paid to the Fund.

(2) The Fund must be applied by the Board to the purposes of this Schedule but the expenses of the Board and of the management of the Fund are a first charge on the Fund.

(3) A member of the Board or officer or other person appointed by the Board is entitled to be reimbursed or to have paid or discharged out of the Fund all expenses properly incurred in the performance of the duties of his or her office.

**Financial Statements and Audit**

15. The Board must –

(a) keep account of all money received by and disbursed from the Fund and all dealings in connection with that money;

(b) keep appropriate records and accounts in proper order, and make suitable arrangements for their custody and for custody of documents relating to the investments;

(c) prepare or have prepared as soon as practicable after the end of each Fund Year financial statements consisting of a balance sheet as at the end of the Fund Year and a statement of income and expenditure for that Fund Year;

(d) have the financial statements of the Fund audited by an auditor appointed by the Board; and

(e) require a report to be given to the Board by the auditor in respect of each such audit.

**Reporting**

16. (1) The Board must once at least in every year have copies of the audited financial statements together with a short report of the Fund’s operations for the year provided to –

(a) the Standing Committee;

(b) the Bishop and Registrar of every participating diocese; and
(c) the proper officer of every participating organisation.

(2) A report of the proceedings of the Board since the previous Ordinary Session of General Synod together with a copy of all financial statements and reports under sub-section 16(1) made since that Session must be laid before each Ordinary Session of General Synod.

Limit of Payment

17. Notwithstanding anything in this Schedule the Board is not bound to make any payment except out of funds held by it for the purposes of this Schedule.

Insufficient Funds

18. In the event of the funds held by the Board at any time being insufficient to make all the payments at that time payable by it under this Schedule the Board, subject to any direction of the Standing Committee, must make such payments as in its opinion are fair and equitable in the circumstances.

PART III: THE CORPORATION

Appointment

19. So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation –

(a) there must be not less than 5 members of the Corporation;

(b) except as provided in paragraph 19(a) the number of members of the Corporation always equals the number of members of the Board of the Fund;

(c) the members of the Corporation are those persons who from time to time are the members of the Board of the Fund and have consented to be members of the Corporation;

(d) only persons who are members of the Corporation are eligible to be directors of the Corporation and all members of the Corporation are directors of the Corporation; and

(e) a person who ceases to be a member of the Board of the Fund ceases to be a member of the Corporation.

Removal of Members

20. So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation a member of the Corporation who –
(a) is continuously absent from the Commonwealth of Australia for more than 3 months without the consent of the remaining members of the Corporation;

(b) resigns;

(c) fails to attend 3 successive meetings of the Directors of the Corporation without leave of the Board of the Corporation;

(d) becomes bankrupt; or

(e) in the opinion of the remaining members of the Corporation or a majority of them otherwise becomes incapable or unworthy of acting; may be removed from office by the remaining members of the Corporation at a meeting of which 14 days notice has been given to that member wherever resident and to all other members of the Corporation for the time being in the Commonwealth of Australia.

Powers of Investment and Borrowing

21. (1) The Corporation acting upon the direction of the Board of the Fund has power –

(a) to invest the assets of the Fund;

(b) to vary or realise those investments; and

(c) to underwrite or sub-underwrite the issue of any investments authorised under this Schedule.

(2) The Corporation acting upon the direction of the Board of the Fund has power from time to time to borrow, or maintain an existing borrowing of money, whether by way of a secured or unsecured loan with a bank or other institution.

Duty of Investment

22. Subject to –

(a) the direction of the Board of the Fund; or

(b) the direction (if any) of –

(i) General Synod; or

(ii) the Standing Committee;

the Corporation must invest such part or the whole of the Fund in such names in such manner and subject to such conditions as the Board of the Fund in its sole discretion determines.
PART IV: THE ACTUARY

Appointment
23. The Board must appoint an Actuary with appropriate qualifications and experience.

24. The Actuary holds office for a term of 3 years or such lesser period as is specified by the Board but is eligible for re-appointment for a further term. Actuarial Responsibilities

25. (1) The Board must cause actuarial investigations of the affairs of the Fund to be made at such intervals not exceeding 3 years as may be decided by the Board.

(2) An actuarial report must be given to the Board in relation to each investigation referred to in sub-section 25(1).

(3) Arising from an actuarial investigation the Board may make, alter or rescind rules or regulations under section 9 relating to benefits payable to participants.

(4) The Actuary must give advice to the Board upon the request of the Board and may give advice at other times.

PART V: CONTRIBUTIONS

Additional Participating Dioceses
26. Where the synod of a diocese which is not then a participating diocese adopts this Schedule, the Board may admit the diocese to be a participating diocese upon such terms and conditions (including terms as to retrospectivity) as the Board with the advice of the Actuary may determine.

Participating Organisation
27. (1) An organisation which engages 1 or more members of the clergy and agrees to the terms and conditions of participation in the scheme of this Schedule, upon application to and approval by the Board, becomes a participating organisation.

(2) A participating organisation may make contributions to the Fund on the account of any participant. Contributions must be of the amount and made at the times which would be appropriate if that participant were rendering qualifying service in a participating diocese.

Amount of Contributions
28. Subject to any direction of the General Synod or of the Standing Committee the rate of annual contribution for the purpose of this Schedule –

(a) must be set by the Board; and

(b) applies from the following first day of January.
Responsibility for Contributions

29. (1) This section applies to a parish institution or organisation (not being a participating organisation) in a participating diocese which is responsible for the payment of the stipend or salary of any participant rendering qualifying service in that diocese, unless the diocese determines to the contrary.

(2) Where this section applies the parish institution or organisation must pay to the proper officer of the diocese in respect of each day during which it is responsible for the payment of the stipend or salary of the participant an amount equal to a 365th part of the annual contribution fixed under section 28.

Payment of Contributions to Diocese

30. Each amount payable to a diocese under section 29 is payable at such times and in such manner as the diocese prescribes.

Payment of Contributions to the Fund

31. (1) Each participating diocese or participating organisation must pay a contribution to the Fund within 14 days of the last day of the months of March, June, September and December in each year in respect of each participant receiving stipend or salary as a member of that diocese or organisation who has rendered qualifying service in that diocese or organisation during the whole or any part of the quarter ending on that day. The contribution must be so much of the annual contribution fixed under section 28 of this Schedule as is apportionable to the number of completed days of the member’s qualifying service so rendered during the quarter.

(2) In the event of payments not being made within the time limit in subsection 31(1) interest on the late payment calculated on a daily basis at a rate set by the Board from time to time may be charged at the discretion of the Board.

PART VI: ENTITLEMENTS

General

32. Subject to this scheme every participant serving in a participating diocese or with a participating organisation is entitled to long service leave on his or her ordinary stipend or salary.

Amount of Long Service Leave

33. (1) The amount of Long Service leave entitlement for a participant is:
(a) on completion of 10 years of qualifying service an amount of long service leave calculated:

(i) at the rate of 10 weeks for 10 years qualifying service in respect of each year of qualifying service prior to the Commencement Date; and

(ii) at the rate of 13 weeks for 10 years qualifying service in respect of each year of qualifying service from and after the Commencement Date.

(b) subject to sub-clause 35(2), on completion of each subsequent year of qualifying service an amount of long service leave calculated;

(i) at the rate of 1 week for each year of qualifying service in respect of each year of qualifying service prior to the Commencement Date; and

(ii) at the rate of 1.3 weeks for each year of qualifying service in respect to qualifying service from and after the Commencement Date.

(c) on completion of a period of qualifying service fixed by the Board under sub-section (3), a period of leave fixed by the Board under subsection (3).

(2) Sub-section (3) applies where in the opinion of the Board –

(a) the relevant circumstances of a participant are abnormal; and

(b) it would be to the disadvantage of the participant for sub-section (3) not to apply.

(3) Where this sub-section applies the Board may fix –

(a) (i) a period of qualifying service of less than 10 years where the participant has not completed 10 years qualifying service; or

(ii) a period of less than 5 years further qualifying service where the participant has completed 10 years qualifying service and part only of any subsequent period of 5 years qualifying service; and

(b) a period of long service leave to which the participant is entitled upon completion of the period fixed under paragraph 33(3)(a).

(4) Where long service leave has been taken by a participant the participant’s long service leave entitlement is reduced accordingly.
(5) An entitlement under this section only arises in respect of completed years of qualifying service.

Qualifying Service

34. (1) Qualifying service means –

(a) service at any time whether before or after Parts II and III of the Initial Canon came into force –

(i) in a diocese the synod of which resolved before or within 12 months after the coming into force of those Parts that the diocese participate in the scheme of the Initial Canon; and

(ii) in that part of the Diocese of Carpentaria which became the Diocese of the Northern Territory by virtue of the Diocese of the Northern Territory Formation Canon of 1966;

(b) service at any time after Parts II and III of the Initial Canon came into force –

(i) in any other diocese after that diocese has become a participating diocese; or

(ii) in a participating organisation after that organisation has become a participating organisation.

(2) Notwithstanding any other provisions of this Schedule, in calculating the length of qualifying service of any participant the following must not be taken into account –

(a) any excess over 15 years service rendered before Parts II and III of the Initial Canon came into force;

(b) any service rendered after Parts II and III of the Initial Canon and the Former Canon came into force in respect of which –

(i) the contributions mentioned in Part V have not been paid; or

(ii) where that service is missionary service, in respect of which there has not been paid to the Fund a sum which corresponds to the aggregate of the contributions which would have been payable in respect of a like period of service in a participating diocese;

(c) any period of service in respect of which leave has been taken or payment made under the provisions of the Initial Canon, the Former Canon, this Schedule or of any other long service leave scheme,
(d) any period of service which is taken into account under any Act of any
Parliament award or industrial agreement in calculating an entitlement
to leave in the nature of long service leave or payment in lieu of such
leave whether the Act award or industrial agreement is made before
or after any part of this Schedule came into force. This paragraph does
not apply however in calculating the length of qualifying service of any
participant who has made application under subsection 34(3).

(3)  (a) When on a particular date a participant has –

(i) begun to render qualifying service; or
(ii) resumed rendering qualifying service;

the participant may make application to the Board to be deemed
to have begun or resumed rendering that service on an earlier date.

(b) The Board, acting upon actuarial advice, may determine a date
from which and conditions (including conditions as to payment of
contributions in respect of the period between the last mentioned date
in paragraph 34(3)(a) and the first mentioned date) subject to which the
applicant under paragraph 34(3)(a) is deemed to have begun or resumed
rendering qualifying service as the case may be.

(c) In making a determination under paragraph 34(3)(b) the Board –

(i) must take into account without further contribution any period
of less than 10 years qualifying service which ended less than 5
years before the date of the determination; and
(ii) may take into account any period of less than 10 years qualifying
service which ended 5 or more years before the date of the
determination;

in respect of which the participant has not under the Initial
Canon, the Former Canon or this Schedule taken leave or
received payment.

(d) The Board is not required to maintain a record of qualifying service for
more than five years after the qualifying service ceases to be rendered by
reason only of –

(i) anything in this sub-section; or
(ii) the qualifying service having been rendered (wholly or partly)
before the commencement of this Schedule.
Where any such record has existed, but no longer exists, the Board –

(iii) may still determine a date under paragraph (b); and

(iv) if it sees fit may at any time reconstruct the record to its satisfaction and rely on the reconstructed record.

**Periods of Leave**

35. (1) Leave may be granted and taken in 1 continuous period or if the participant and the diocese or participating organisation so agree in separate periods as follows –

(a) where the amount of the leave exceeds 5 weeks but does not exceed 13 weeks, in 2 separate periods; or

(b) where the amount of the leave exceeds 13 weeks, in 2 or 3 separate periods.

(2) Any period of leave granted pursuant to sub-section (1) must be comprised of complete weeks each comprised of 7 days.

**Annual Holidays Excluded**

36. Long service leave taken under this Schedule is exclusive of annual holidays but is inclusive of all other days off occurring during the leave.

**When Leave to be Taken**

37. Where a participant has become entitled to long service leave under this Schedule the leave must be given and the participant must take the leave –

(a) where the participant is serving in a participating diocese, as soon as practicable having regard to the needs of the diocese in which the participant is serving except that after an entitlement to leave has accrued the diocese and the participant may agree that the taking of the leave be postponed until an agreed date; or

(b) where the participant is not serving in a participating diocese or is serving in a participating organisation, as soon as practicable having regard to the needs of the Church or the participating organisation.

**Priority as Between Participants**

38. Participating dioceses and participating organisations determine the order in which participants entitled to long service leave take that leave but, in determining that order, ordinarily must give priority to those who have rendered the longest qualifying service.
Notice of Leave

39. Every participating diocese or participating organisation must give to each participant, unless that participant otherwise agrees, at least 3 months’ notice of the date from which it is proposed that the participant’s long service leave shall be given and taken.

Part VII: Nature of Service

40. (1) Every participating diocese or participating organisation must advise the Board if a participant begins or concludes part-time service.

(2) Where a participating diocese or participating organisation advises the Board in accordance with sub-section 40 (1) they shall advise the Board of the equivalence of that service to full-time service in that participating diocese or participating organisation.

(3) Any payment or apportioned payment made by the Board in relation to a participant on part-time service shall be pro-rated in accordance with the advice given by the participating diocese or participating organisation in accordance with sub-section 40 (2).

Part VIII: Payment

Notional Stipend

41. (1) The Standing Committee acting upon the advice of the Board may from time to time determine –

(a) a notional annual stipend in respect of all participants expressed as a sum per annum; or

(b) a notional annual stipend as so expressed in respect of each of two or more categories of participants determined by the Standing Committee on the advice of the Board; effective from the next first day of January.

Sabbatical Allowance

42. (1) In respect of each day of long service leave actually taken the rate at which sabbatical allowance is payable is:

(a) subject to paragraph 42(1)(b) a rate per day equal to 35.5% of a 365th part of the notional stipend pro-rated for the nature of service; or

(b) if the Standing Committee, acting on the advice of the Board, fixes another rate per day, the rate so fixed for the time being.
Normal Payment

43. (1) Where a participant whose salary or ordinary stipend is paid by a participating diocese, by a parish, institution or organisation in a participating diocese or by a participating organisation, enters upon a period of long service leave –

(a) the participant must be paid his or her salary or ordinary stipend in respect of that period of leave either –

(i) in a single payment when the participant enters upon the period of leave; or

(ii) at the time or times at which the participant’s salary or stipend would have been paid if he or she had not taken leave.

(b) (i) the Board must pay to the diocese in which the participant was serving or the participating organisation by which the participant was employed immediately before he or she entered upon the leave a sum equal to so much of the notional annual stipend as is apportionable to that period of leave and pro-rated for the nature of service.

(ii) where the salary or ordinary stipend of the participant is not paid by the diocese itself the diocese must remit that sum to the parish institution or organisation by which such salary or stipend is paid; and

(c) the Board in addition must pay to the diocese or participating organisation a sabbatical allowance in respect of that period of leave and pro-rated for the nature of service and that sabbatical allowance must be paid in full to the participant.

(2) Upon a payment being made by the Board under this section the liability of the Fund in respect of the participant for whose benefit it is paid is discharged to the extent of that payment.

Payment Direct to Participant

44. (1) Where a participant whose ordinary salary or stipend is not paid by a participating diocese, by a parish institution or organisation in a participating diocese or by a participating organisation enters upon a period of long service leave the Board must pay directly to the participant so much of the notional annual stipend as is apportionable to the period of that leave and pro-rated for the nature of service and a corresponding sabbatical allowance.

(2) The Board may make the payment under subsection 44(1) conditional upon the
participant entering into such an agreement with it relating to the acceptance by the participant of other payments in the nature of stipend salary or wages or the like as the Board deems proper.

Payment in lieu on Death

45. (1) When the qualifying service of a participant terminates by reason of the participant’s death then an amount for each completed year of service is to be paid, equal to 1 week for each year of qualifying service performed prior to the Commencement Date and 1.3 weeks for each year of qualifying service performed on or after the Commencement Date of the notional stipend current at the date of the participant’s death together with a proportionate payment for any incomplete year of qualifying service rendered.

(2) The amount payable under sub-section 45(1) –

(a) is not to include the sabbatical allowance; and

(b) is payable to such person or persons as the Board determines.

Payment in Lieu on Resignation or Retirement

46. (1) When the qualifying service of a participant terminates other than by reason of the participant’s death, and –

(a) the participant has completed at least 5 years qualifying service; and

(b) sub-section 33(3) does not apply;

then the participant is to be paid an amount equal to one week for each year of qualifying service performed prior to the Commencement Date and 1.3 weeks for each year of qualifying service on or after the Commencement Date of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service.

(2) The amount payable under sub-section 46(1) is not to include a sabbatical allowance.

Payment to Another Fund

47. (1) Where the participating diocese or organisation which contributes in respect of a participant gives notice to the Board under this section then at the expiration of three months from the date of giving notice the Board is empowered to exercise its discretion under subsection 47(2) as if the participant had resigned at the expiration of the period of three months.
(2) Where a participant resigns and the Board satisfies itself—

(a) that the participant intends to continue or resume employment under conditions of employment where contributions are to be made to another fund or organisation whose constitution and rules for the payment of benefits are similar to those of the Fund ("the other Fund"); and

(b) that employment is, or will become, available to the participant to take up;

the Board in its discretion, exercisable at any time before payment is made under this Part, may decide that this section applies, whether or not the participant has completed 10 years of qualifying service.

(3) If the Board decides that this section applies, section 46 does not.

(4) Where this section applies and—

(a) the participant has completed 10 years or more of qualifying service; or

(b) the participant had not completed 10 years of qualifying service but has completed a period of less than 10 years qualifying service fixed under sub-section 33 (3);

the Board must pay the amount payable under this section either to the other fund or to the participant, as the Board sees fit.

(5) Where this section applies but the participant has not completed 10 years or more of qualifying service or a period of less than 10 years qualifying service fixed under sub-section 33 (3), the Board at its sole discretion may fix the participant’s completed service as qualifying service under subsection 33 (3), and must pay the amount payable under this section to the other fund.

(6) The amount payable under this section is an amount equal to one week for each year of qualifying service performed prior to the Commencement Date and 1.3 weeks for each year of qualifying service on or after the Commencement Date of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service.

(7) The Board may at any time before payment is made under this section revoke its decision, in which case this section no longer applies and section 46 once again applies.
PART IX: GENERAL

Winding Up

48. (1) In this section –

"End Date" is the date on which the Fund is wound up or dissolved.

"Liability of the Fund for long service leave benefits" means the liability of the Fund for long service leave benefits payable under the Canon determined in accordance with applicable Australian Accounting Standards or similar standards applicable from time to time.

"Successor Fund" means an entity, fund, authority or institution of similar purpose to the Fund and whose constitution or trust deed and rules for the payment of benefits are as nearly as possible similar to those of the Fund, and which is an Eligible Charity.

"Surplus Assets" means, in respect of the Fund as at the End Date, the assets, property or money of the Fund, remaining after satisfaction of, or provision for, the debts and liabilities of the Fund, other than the liability of the Fund for long service leave benefits.

(2) If –

(a) the Fund is wound up or dissolved for any reason, and

(b) on the End Date there are Surplus Assets of the Fund,

the Surplus Assets are to be paid or transferred in accordance with this section.

(3) The Surplus Assets are to be paid or transferred in accordance with the following provisions –

(a) Each Participating Diocese and Participating Organisation as at the End Date is to nominate to the Board a Successor Fund for that Participating Diocese or Participating Organisation.

(b) If a Participating Diocese or Participating Organisation does not nominate a Successor Fund to the Board within 6 months after request made by the Board, the Successor Fund for that Participating Diocese or Participating Organisation will be determined by the Board with the approval of the Standing Committee.

(c) The Board will pay from the Surplus Assets to the Successor Fund nominated by a Participating Diocese or Participating Organisation an
amount ("A") calculated in accordance with the following formula –

\[ A = \frac{B}{C} \times D \]

where –

B is the liability of the Fund for long service leave benefits, which relate to Participants for whom that Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

C is the liability of the Fund for long service leave benefits, which relate to all Participants for whom Participating Dioceses or Organisations made or were liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

D is the total value of the Surplus Assets.

(d) If on the End Date a Participating Diocese or Participating Organisation has not paid any contribution for which it is liable under section 31(1), A must be reduced by the amount of any such unpaid contribution.

(4) Each Successor Fund must assume the liability of the Fund for long service leave benefits in respect of the Participants for whom the relevant Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.
National Aboriginal and Torres Strait Islander Anglican Council Canon 2010

Canon No 4, of 2010

The General Synod prescribes as follows:-

Part I: Preliminary

Title

1. This Canon may be cited as the “National Aboriginal and Torres Strait Islander Anglican Council Canon 2010”.

Organisation of Canon

2. This Canon is divided into the following parts -
   Part I - Preliminary.
   Part II - National Aboriginal and Torres Strait Islander Anglican Council.
   Part III - Non-diocesan representatives of General Synod.
   Part IV – Transitional Provisions

Repeal

3. The National Aboriginal and Torres Strait Islander Anglican Council Canon 1998 (“Repealed Canon”) is repealed except that (save as provided in this Canon expressly or by necessary implication) all persons, things and circumstances appointed or created by or under the Repealed Canon or existing or continuing under it immediately before the date of commencement under and subject to this Canon continue to have the same status, operation and effect as they respectively would have had if the Repealed Canon had not been so repealed.

Commencement

4. This Canon shall come into force on the day the General Secretary receives notification from the Chair of the Council constituted under the Repealed Canon that it has consented to the Canon.

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125 This canon was passed provisionally as Canon P2, 1989.
Joint Commitment and Affirmation of Faith and Justice

5. This Canon is passed in the spirit of the Joint Commitment and Affirmation of Faith and Justice passed by resolution 48/07 of the fourteenth Session of the General Synod in 2007 and reproduced in the Schedule to this Canon.

PART II: NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER ANGLICAN COUNCIL

The Council

6. There shall be a National Aboriginal and Torres Strait Islander Anglican Council, which in this Canon is called “the Council”.

7. The objects of the Council shall be:
   (a) to represent the views of Aboriginal and Torres Strait Islander Anglicans on matters affecting them both within and outside Australia.
   (b) to develop and recommend to relevant bodies policies and strategies for the purpose of facilitating Aboriginal and Torres Strait Islander mission and ministry.
   (c) to provide resources for relevant bodies concerning matters affecting Aboriginal and Torres Strait Islander Anglicans.
   (d) to engage with other Aboriginal and Torres Strait Islander groups in the wider church in Australia and internationally.
   (e) to encourage and facilitate the celebration of Aboriginal and Torres Strait Islander culture within the Church.
   (f) to convene gatherings of persons who identify themselves as Aboriginal or Torres Strait Islander Anglicans at intervals of 3 years (“Gatherings”) to conduct such business as the Council or the Gatherings determine.

In this Section, relevant bodies include this Church, the General Synod of this Church, the Standing Committee of the General Synod, diocesan synods, diocesan councils, diocesan bishops and other bodies having responsibility for or a connection with Aboriginal and Torres Strait Islander mission or ministry.

8. Before each election of members of the Council, the Council must determine and communicate to the members of the Panel of Electors the set of skills and experience the Council believes is required for the Council as a whole to fulfil its objects.

9. To be qualified to be a member of the Council a person must -
(a) be a communicant member of this Church;
(b) have attained the age of 18 years;
(c) be an Aboriginal or Torres Strait Islander;
(d) in the case of a person in holy orders (other than a diocesan bishop), hold a licence from a bishop of a diocese of this Church;
(e) in the case of a bishop, hold an office in this Church; and
(f) possess skills and experience in one or more of the areas determined by the Council in accordance with Section 8 of this Canon to be necessary for the Council to fulfil its objects effectively.

10. The members of the Council shall be:
   (a) three Aboriginal persons in holy orders, one of whom must be a bishop holding an office in this Church but, if there is no such Aboriginal bishop, then three Aboriginal persons in holy orders;
   (b) three Torres Strait Islander persons in holy orders, one of whom must be a bishop holding an office in this Church but, if there is no such Torres Strait Islander bishop, then three Torres Strait Islander persons in holy orders;
   (c) three Aboriginal lay persons and three Torres Strait Islander lay persons; and
   (d) such other persons as the Council may appoint pursuant to Section 11 of this Canon.

11. The Council may appoint two persons, an Aboriginal person and a Torres Strait Islander person, to be members of the Council for purposes of supplementing the set of skills determined by the Council pursuant to Section 8 of this Canon.

12. Subject to Section 13 of this Canon, members of the Council shall hold office until the completion of the election of members of the Council conducted at the Gathering next held after the appointment of those members.

13. A person shall cease to be a member of the Council should he or she resign to the Primate, cease to be qualified to be a member of the Council, have his or her estate administered in insolvency or be declared by any court of competent jurisdiction to be incapable of managing his or her affairs.

14. The Council must elect a Chairman and a Deputy Chairman as soon as practicable after an election of members of the Council.
Election of Council Members

15. There shall be a Panel of Electors to elect members of the Council.

16. To be qualified to be a member of the Panel of Electors a person must:
   (a) be a communicant member of this Church;
   (b) have attained the age of 18 years;
   (c) be an Aboriginal or Torres Strait Islander;
   (d) in the case of a person in holy orders (other than a diocesan bishop) hold a licence from a bishop of a diocese of this Church;
   (e) not be a bishop

17. At least 18 months before the commencement of each Gathering, the Council must cause to be given to the Registrar of each Diocese written notice of:
   (a) the date of the commencement of that Gathering, and
   (b) the requirements of Section 16 of this Canon.

18. Not less than three months before the commencement of each Gathering, the Synod of each Diocese may elect two Aboriginal persons and two Torres Strait Islander persons to be members of the Panel of Electors and notify the appointments to the Council in writing.

19. Subject to Section 20 of this Canon a person shall hold office as a member of the Panel of Electors from the commencement of the day following the conclusion of the session of the Synod at which the member was elected until the conclusion of the session of the Synod which appoints the member's successor.

20. A person shall cease to be a member of the Panel of Electors if the member resigns in writing to the diocesan bishop of the diocese whose synod elected the member, ceases to be qualified to be a member of the Panel of Electors, has his or her estate administered in insolvency or be declared by any Court of competent jurisdiction to be incapable of managing his or her affairs.

21. Upon a member of the Panel of Electors ceasing to hold office, the diocesan council of the diocese which elected that member may as soon as practicable fill the vacancy and notify the Council of the member newly elected.

22. At each Gathering:
   (a) if at that time more than one Aboriginal bishop holds an office in this Church, the Aboriginal members of the Panel of Electors must elect one such Aboriginal bishop to be a member of the Council;
(b) if at that time more than one Torres Strait Islander bishop holds an office in this Church, the Torres Strait Islander members of the Panel of Electors must elect one such Torres Strait Islander bishop to be a member of the Council;

(c) the Aboriginal members of the Panel of Electors must elect as members of the Council:
   (i) two Aboriginal persons in holy orders other than a bishop but if at that time there is no Aboriginal bishop holding an office in this Church, then three Aboriginal persons in holy orders;
   (ii) three Aboriginal lay persons;

(d) The Torres Strait Islander members of the Panel of Electors must elect as members of the Council:
   (i) two Torres Strait Islander persons in holy orders other than a bishop but if at that time there is no Torres Strait Islander bishop holding an office in this Church, then three Torres Strait Islander persons in holy orders;
   (ii) three Torres Strait Islander lay persons.

Other Powers and Duties of the Council

23. The Council may co-opt persons who may, but need not be, Aboriginal or Torres Strait Islander persons as consultants to the Council for such term as the Council thinks fit. A consultant will undertake such tasks as agreed with the Council and participate with the Council as the Council determines but will not have the right to vote.

24. The Council may raise funds to fulfil its objects.

25. The Council may appoint such staff as it considers necessary to fulfil its objects.

26. The Council may request the Standing Committee of General Synod to confer on it and the Standing Committee may by resolution confer on the Council objects in addition to those listed in Section 7, provided that, unless such resolution is confirmed by the General Synod at its next succeeding ordinary session, the additional objects shall then lapse, but not so as to affect the validity of anything done before such lapsing.

27. The Council must establish and maintain policies and procedures for the management of its finances and business which conform with the requirements of prudence and best practice.

29. The Council shall report in writing to each ordinary session of General Synod as to its activities, needs and any other matter it considers appropriate.

30. The Council may do all things necessary and incidental to fulfilling its objects, powers and duties.

31. The Council and the Standing Committee of the General Synod must jointly review the operation of this Canon and report to the Second Session of the General Synod following the date on which this Canon comes into force.

32. If a vacancy occurs in the Council:
   (a) The Council may fill the vacancy;
   (b) The office of an Aboriginal person must be filled by an Aboriginal person;
   (c) The office of a Torres Strait Islander person must be filled by a Torres Strait Islander person;
   (d) The person filling the vacancy shall hold office until the next election of a Council.

PART III: NON-DIOCESAN REPRESENTATIVES OF GENERAL SYNOD

33. The Council is appointed to be the body for the purpose of sub-section 17(8) of the Constitution to recommend to the Primate the names of persons for appointment as non-diocesan representatives of the General Synod. Of its own motion and at the request of the Primate the Council shall provide the names of the persons elected by the Council for nomination to the Primate.

34. A person who is qualified to be a member of the Council is qualified to be a non-diocesan representative of the General Synod if that person is not a diocesan bishop or (with regard to the General Synod) a clerical or lay representative of a diocese.

35. When the Primate by mandate summons the diocesan bishops to convene clerical and lay representatives to an ordinary or special session of the General Synod the Primate shall -
   (a) appoint non-diocesan representatives of the General Synod being persons nominated by the Council, each of whom shall hold office so long as he or she remains qualified to do so until his or her successor is appointed or until he or she sooner resigns;
   (b) call such non-diocesan representatives to the session of the General Synod;
   (c) cause bills for canons and other documents circulated to dioceses or accompanying the mandate to diocesan bishops to be sent to non-diocesan representatives of the General Synod.
PART IV: TRANSITIONAL PROVISIONS

36. The council constituted under the Repealed Canon shall:
   
   (a) Continue to hold office and exercise its functions until the appointment of a Transitional Council in accordance with sub-section (b);
   
   (b) Within three months of this Canon coming into force, appoint a Transitional Council, composed in accordance with the requirements of Sections 9 and 10 of this Canon.

37. The Transitional Council shall have the powers and duties of the Council set out in this Canon until the appointment of the Council at the first Gathering pursuant to Section 22 of this Canon.

38. The Transitional Council must convene the first Gathering within three years of this Canon coming into force.
SCHEDULE
JOINT COMMITMENT AND AFFIRMATION OF FAITH AND JUSTICE

AS members of the Anglican Church of Australia we are called to become a people of the new covenant of Jesus the Christ and to bear witness to justice and righteousness upon this land. We come together, Indigenous and non-Indigenous peoples, to strive for what our ancestors were not able to do.

TOGETHER we acknowledge with gratitude the apology given by our then Primate, Archbishop John Grindrod in 1988 for the hurt done to Aboriginal and Torres Strait Islander peoples and the apology of the General Synod in 1998 for the Stolen Generations. We acknowledge also the ceremonies, Church services and reconciliation projects done at parish level throughout the Country. Today we are able, by the grace of God to look back on these actions as steps on the road of a reconciling life together in the Church of God. We look to a future of walking together towards the image of Christ which points to shared faith and justice among us.

TOGETHER we commit ourselves to living out the new covenant written upon our hearts in our common faith and sharing in Word and Sacrament. In hope and prayer we look to fulfil our responsibilities to each other to share our cultures in the study and living of The Word and Sacrament, to share in our Church tradition, and to be a community of justice and righteousness.

WE, the people of the land and seas, the Aboriginal and Torres Strait Islander peoples, as guardians and custodians of the land and islands of Australia, seek a new day when our peoples can practise and share our culture and wisdom as partners with all who call Australia their home.

WE, the non-Indigenous peoples of Australia recognise the people of the land and the seas, the Aboriginal and the Torres Strait Islander peoples to be the original inhabitants, the indigenous peoples of this land.

WE, together through this shared commitment continue to seek to heal the wounds, hurts and sufferings of the Aboriginal and Torres Strait Islander peoples of Australia.

WE shall share with each other visions, hopes, needs and wants in constructive ways that will bring us closer together as peoples of this Church so we may better support each other.

AS peoples of Christ we are bound into a relationship that seeks to be the foundation of mutual trust, respect, and the sharing of power and resources to create a just and righteous Church and nation of Australia. Through this commitment our own homes, communities, parishes, dioceses and national organisations are to be sanctuaries where we will strive to live out to the fullest the tenets of this our shared faith.
WE are committed to celebrating together important Church festivals and cultural celebrations and commemorations in the life of our land and seas. This gives us the opportunity to share deeply our different ways of celebrating our faith through cultures as peoples and communities of prayer.

WE are committed to assisting, encouraging and resourcing ministry to Aboriginal and Torres Strait Islander people.

WE pledge to consult and work with each other as equal partners in the development of our Church and land, in our communities, parishes, dioceses and nationally and internationally.

WE shall establish means through which we can give witness and testimony accounting for the learnings, struggles, challenges and successes of our journey.

AND we invite all who call Australia their home to join with us as we continue the process of healing our peoples and this land and seas.
CANONS

DEALING WITH

THE CONSTITUTIONS AND CANONS ECCLESIASTICAL 1603

The General Synod has made canons which provide that the Canons of 1603 shall have no operation or effect [insofar as they may have any force] in a diocese which adopts the General Synod canons. The Table following shows in summary how all 141 Canons of 1603 have been dealt with.

Table 1

<table>
<thead>
<tr>
<th>Canon of 1603</th>
<th>Canon of General Synod</th>
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</thead>
<tbody>
<tr>
<td>62, 63, 100 to 104 inclusive</td>
<td>Solemnization of Matrimony Canon 1981 - Canon No. 3, 1981</td>
</tr>
<tr>
<td>113 (the proviso)</td>
<td>Canon Concerning Confessions 1989 - Canon No. 10, 1992</td>
</tr>
<tr>
<td>1 to 13 inclusive, 15, 16, 38 to 42 inclusive, 44, 48, 59, 65, 66, 71, 73, 75, 77 to 98 inclusive, 105 to 112 inclusive, 113 (other than the proviso), 114 to 141 inclusive</td>
<td>Canon Law Repeal Canon 1989 - Canon No. 11, 1992</td>
</tr>
<tr>
<td>17, 24, 25, 58, 74</td>
<td>Canon concerning Vesture of Ministers 1992 - Canon No. 19, 1995</td>
</tr>
<tr>
<td>14, 18, 19, 43, 45, 46, 47, 49 to 57 inclusive, 64, 67, 72</td>
<td>Canon concerning Services 1992 - Canon No. 13, 1998</td>
</tr>
<tr>
<td>60, 61</td>
<td>Canon concerning Confirmation 1992 - Canon No. 14, 1998</td>
</tr>
<tr>
<td>36 (except to the extent that it requires a person to be licensed by the bishop of a diocese)</td>
<td>Oaths Affirmations Declarations and Assents Canon 1992 - Canon No. 15, 1998</td>
</tr>
<tr>
<td>29, 30, 68, 69, 70</td>
<td>Canon concerning Baptism 1992 - Canon No. 21, 1998</td>
</tr>
<tr>
<td>127, 128</td>
<td>Chancellors Canon 2001 – Canon No. 4, 2001</td>
</tr>
<tr>
<td>20, 21, 22, 23, 26, 27, 28</td>
<td>Holy Communion Canon 2001 – Canon No. 10, 2001</td>
</tr>
<tr>
<td>76</td>
<td>Holy Orders, Relinquishment and Deposition Canon, 2004 - Canon No. 10, 2004</td>
</tr>
<tr>
<td>31, 32, 33, 34, 35, remainder of 36, 37</td>
<td>Canon Concerning Holy Orders 2004 – Canon No. 10, 2007</td>
</tr>
</tbody>
</table>

The Canons referred to in the Table are set out on the following pages in this section.
Solemnization of Matrimony Canon 1981

Canon 3, 1981

A canon concerning the solemnization of matrimony

The General Synod prescribes as follows:

1. This canon may be cited as the “Solemnization of Matrimony Canon 1981”.

2. The canons numbered 62, 63, 100, 101, 102, 103 and 104 included in the Constitutions and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603, and any Canon amending or appended to the 62nd or the 102nd Canon, shall not have any operation or effect in this Church.

3. Matrimony shall not be solemnized according to the rites and ceremonies of this Church –

   (a) unless the celebrant is a minister registered on the nomination of this Church as an authorised celebrant according to the law of the Commonwealth of Australia;

   (b) unless at least one of the parties to be married has been baptized;

   (c) except in a church or chapel of this Church or a church building licensed by the bishop of the diocese for the solemnization of matrimony unless the bishop of the diocese in the particular case gives express permission for the solemnization of the marriage at some other specific place;

   (d) where the persons to be married are within a prohibited relationship as declared by the law of this Church in force in the diocese concerned;

   (e) where a party to be married is a minor, otherwise than in accordance with the laws of the Commonwealth of Australia relating to the consent of parents or guardians in the case of the marriage of such persons;

   (f) except in the presence of not less than two witnesses; and

   (g) where either or each of the parties to be married is a divorced person, except in accordance with the law of this Church as to the marriage of such persons in force in the diocese concerned.

4. Nothing in this canon shall affect the provisions of any ordinance of a diocese in force or having effect at the time when the diocese adopts this canon relating to the publication of Banns of Marriage and dispensation therewith.
5. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts it.
MATRIMONY (PROHIBITED RELATIONSHIPS)
CANON 1981

Canon 15, 1981

A canon concerning Canon 99 of the Canons Ecclesiastical made in the year 1603 and the prohibition of the solemnization of matrimony between persons within certain prohibited relationships

Whereas certain Constitutions and Canons Ecclesiastical made in the year 1603 (hereinafter called “the Canons of 1603”) were published in England by lawful authority

And whereas certain of the Canons of 1603 continue to apply to and be in force in the several dioceses of the Anglican Church of Australia

And whereas it is desirable to repeal Canon 99 of the Canons of 1603 insofar as it applies to or is in force in the several dioceses of the Anglican Church of Australia and to prohibit the solemnization of matrimony between persons within certain prohibited relationships

Now therefore the General Synod prescribes as follows:

1. This canon may be cited as the “Matrimony (Prohibited Relationships) Canon 1981”.

2. In this canon unless the context otherwise requires:
   “adopted” in relation to a child means adopted under the law of any place (whether in or outside Australia) relating to the adoption of children;
   “minister” means a minister who on the nomination of this Church is authorized by the law of the Commonwealth of Australia to solemnize matrimony;
   “prohibited relationship” means any relationship described in the Schedule as extended by Sections 5 and 6;
   “the Canons of 1603” means the Constitution and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603.

3. The Canon numbered 99 included in the Canons of 1603 shall henceforth have no operation or effect in this Church.

4. A minister shall not solemnize matrimony between persons who are within a prohibited relationship.
5. A prohibited relationship shall include a relationship of the half-blood and a relationship traced through or to any person born of unmarried parents.

6. (1) A prohibited relationship shall include a relationship traced through or to a person who is or was an adopted child and for that purpose the relationship between an adopted child and his adoptive parent or each of his adoptive parents shall be deemed to be or to have been the natural relationship of child and parent.

(2) Nothing in sub-section (1) of this section makes it lawful for a clergyman to solemnize a marriage which he could not lawfully have solemnized if that sub-section had not been enacted.

(3) For the purpose of this section:

(a) a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person notwithstanding that any order by which the adoption was effected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and

(b) a person who has been adopted on more than one occasion shall be deemed to be the adopted child of each person by whom he has been adopted.

7. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.
### SCHEDULE

The relationship between a man and a woman who is or has been his:

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<thead>
<tr>
<th>Relationship</th>
<th>Relationship of Other</th>
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<tbody>
<tr>
<td>mother</td>
<td>mother's father's wife</td>
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<tr>
<td>daughter</td>
<td>wife's father's mother</td>
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<td>father's mother</td>
<td>wife's mother's mother</td>
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<td>mother's mother</td>
<td>wife's daughter's daughter</td>
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<td>son's daughter</td>
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<td>daughter's daughter</td>
<td>son's son's wife</td>
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<td>sister's daughter</td>
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<td>father's father's wife</td>
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</table>

The relationship between a woman and a man who is or has been her:

<table>
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<tr>
<th>Relationship</th>
<th>Relationship of Other</th>
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</thead>
<tbody>
<tr>
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<td>mother's mother's husband</td>
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<tr>
<td>son</td>
<td>husband's father's father</td>
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<tr>
<td>father's father</td>
<td>husband's mother's father</td>
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<tr>
<td>mother's father</td>
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<td>daughter's husband</td>
<td>sister's son</td>
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<tr>
<td>father's mother's husband</td>
<td></td>
</tr>
</tbody>
</table>
A canon concerning confessions

The General Synod prescribes as follows:

1. This canon may be cited as “Canon concerning confessions 1989”.

2. If any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

3. The proviso to canon numbered 113 of the Canons of 1603, and any other law of this Church concerning the making of confessions to an ordained minister, in so far as the same may have any force, shall have no operation or effect in this Church.

4. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

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1 This canon was passed provisionally as Canon P3, 1989.
**Canon Law Repeal Canon 1989**

*Canon 11, 1992*

_A canon to repeal certain canon law_

The General Synod prescribes as follows:

1. This canon may be cited as “Canon Law Repeal Canon 1989”.

2. A reference in this or in any other canon to the Canons of 1603 is a reference to the Constitutions and Canons Ecclesiastical agreed upon by the bishops and clergy of the Province of Canterbury in the year of Our Lord 1603 and known as the Canons of 1603 and includes any amendments thereto having force or effect in any part of this Church.

3. (1) Subject to the provisions of the Constitution and the operation of any other canon of the General Synod, all canon law of the Church of England made prior to the Canons of 1603, in so far as the same may have any force, shall have no operation or effect in a diocese which adopts this canon.

   (2) Nothing in subsection (1) deprives a bishop holding office as a metropolitan and bishop of a diocese, or as the bishop of a diocese, of any inherent power or prerogative, or limit any inherent power or prerogative, that was vested in the metropolitan and bishop of that diocese, or the bishop of that diocese, as the case may be, as holder of those offices or of that office immediately before this canon came into force in that diocese.

4. (1) Subject to this section, the canons numbered 1 to 13 inclusive, 15, 16, 38 to 42 inclusive, 44, 48, 59, 65, 66, 71, 73, 75, 77 to 98 inclusive, 105 to 112 inclusive, 113 (other than the proviso thereto) and 114 to 141 inclusive of the Canons of 1603, in so far as the same may have any force, shall have no operation or effect in a diocese which adopts this canon.

   (2) The Synod of a diocese which adopts this canon may elect, but only in the ordinance by which this canon is adopted, that the provisions of one or more canons of the Canons of 1603, being canons listed in section 4(1), will apply in the diocese.

   (3) When the synod of a diocese makes an election under section 4(2):

      (a) the provisions of the relevant canon or canons apply in the diocese until repealed by the synod of the diocese; and

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2 This canon was passed provisionally as Canon P1, 1989.
(b) the synod may determine, at any time thereafter, by ordinance, that the relevant canon or any one or more of the relevant canons specified in such ordinance are not to apply in the diocese and, on such ordinance being duly made, the relevant canon does not or relevant canons so specified do not apply in the diocese.

5. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.
Canon Concerning Vesture of Ministers
1992

Canon 19, 1995

A canon concerning Vesture of Ministers 1992

The General Synod prescribes as follows:

1. This canon may be cited as “Canon concerning Vesture of Ministers 1992”.

2. This Church recognises that, by tradition, its ministers have worn distinctive vesture whilst ministering in Divine Service. This Church also recognises that the vesture worn by its ministers may vary from time to time and place to place. This Church declares that it does not attach any particular doctrinal significance to the diversity of vesture worn by its ministers.

3. Subject to sections 4 and 5, whilst ministering in Divine Service in a cathedral or church a minister shall comply with such standards of vesture as may be prescribed by ordinance of the synod of the diocese in which the service is being held or, in the absence of any such ordinance, by the bishop.

4. A minister may wear a surplice in lieu of the vesture prescribed by the synod or the bishop pursuant to section 3 or referred to in section 5.

5. Subject to section 4 and to any requirement made pursuant to section 3, a minister may wear the vesture which has customarily been worn in the place in which the service is being held.

6. The Use of the Surplice Canon 1977 is repealed as regards a diocese which adopts this canon.

7. The canons numbered 17, 24, 25, 58 and 74 of the Canons of 1603, in so far as the same may have any force have no operation in a diocese which adopts this canon.

8. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

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3 This canon was passed provisionally as Canon P2, 1992.
A canon concerning Services of the Church

The General Synod prescribes as follows:

1. This canon may be cited as “Canon concerning Services 1992”.

2. The minister of each church must bring to the knowledge of the people of the suburb, town or locality in which that church is situated, the times and days on which Divine Service is to be held in that church.

3. Divine service must be held in every Cathedral and, wherever possible, in the church or one of the churches in every parish at least once on all Sundays.

4. (1) The following forms of service are authorised:
   
   (a) the forms of service contained in the Book of Common Prayer;
   
   (b) such forms as may have been authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in the diocese of which that parish is part.
   
   (2) Every minister must use only the authorised forms of service, except so far as the minister may exercise the discretion allowed by section 5.

5. (1) The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.

   (2) Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.

   (3) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church.

   (4) A question concerning the observance of the provisions of sub-section 5(3) may be determined by the bishop of the diocese.

6. Each service must be said or sung distinctly, reverently and in audible voice in English or another language intelligible to the congregation.

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4 This canon was passed provisionally as Canon P6, 1992.
7. A sermon must be preached at least once each Sunday in every cathedral and church in which Divine service is offered on that Sunday except for some reasonable cause approved by the bishop of the diocese. The preacher must endeavour to expound the scriptures, to the glory of God and to the edification of the people.

8. The minister must determine what parts of Divine Service offered in a church are to be said or sung. No musical instrument may be played in connection with Divine service in any church without the approval of the minister of that church. The minister must ensure that all music (including any words and accompaniment) is to the glory of God and to the edification of the people.

9. No minister may exorcise except where authorised so to do by the bishop of the diocese.

10. The canons numbered 14, 18, 19, 43, 45, 46, 47, 49 to 57 inclusive, 64, 67 and 72 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

11. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.


**Canon Concerning Confirmation 1992**

*Canon 14, 1998*

*A canon concerning confirmation*

The General Synod prescribes as follows:

1. This canon may be cited as “Canon concerning Confirmation 1992”.

2. The bishop of a diocese must personally or by a bishop authorised by him confirm throughout his diocese as often and in as many places as convenient, laying his hands upon those who have been baptised and instructed in the Christian faith and life as set forth in the Scriptures and in the Catechism and praying over them.

3. Every minister who has a cure of souls shall encourage those baptised as infants to affirm the Christian faith for themselves and to present for confirmation.

4. Every minister who has a cure of souls must instruct or cause to be instructed all who wish to be confirmed in the Christian faith as set forth in the Scriptures and in the Catechism.

5. A minister normally must present to the bishop only those who have come to years of discretion and who are ready to make public affirmation of their commitment to our Lord Jesus Christ and who can render an appropriate account of the faith and life expected of a Christian.

6. The canons numbered 60 and 61 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

7. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

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5 This canon was passed provisionally as Canon P7, 1992.
A canon concerning Oaths Affirmations Declarations and Assents

The General Synod prescribes as follows:

Short title
1. This canon may be cited as the “Oaths Affirmations Declarations and Assents Canon 1992”.

Oath or Affirmation of Canonical Obedience
2. An oath or affirmation of canonical obedience shall be taken by a member of the clergy on
   (a) ordination to the diaconate,
   (b) ordination to the priesthood,
   (c) first licensing of the member by the bishop of a diocese
      (i) that member not having been ordained to the diaconate or priesthood
          in the diocese, or
      (ii) following service by that member outside the diocese pursuant to the
           licence of another bishop, and
   (d) consecration as an assistant bishop

Form of Oath or Affirmation of Canonical Obedience
3. (1) Whenever an oath of canonical obedience is taken by a member of the clergy or laity the following form shall be used -

   “I .......................... do swear that I will pay true and canonical
   obedience to .................. [the bishop of the diocese or where applicable
   the bishop of the diocese sponsoring an ordination] and the successors
   of that bishop in all things lawful and honest. So help me God!”.

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6 This canon was passed provisionally as Canon P3, 1992.
Whenever an affirmation of canonical obedience is taken by a member of the clergy or laity, the form in sub-section (1) shall be used but it shall be modified by -

(a) substituting for “swear” the phrase “solemnly and sincerely affirm”; and

(b) deleting the concluding sentence.

Declaration and Assent to Doctrine and Formularies

4. A declaration and assent to the doctrine and formularies of the Church shall be made by a member of the clergy on

(a) ordination to the diaconate,

(b) ordination to the priesthood,

(c) first licensing of the member by the bishop of a diocese

(i) that member not having been ordained to the diaconate or priesthood in the diocese, or

(ii) following service by that member outside the diocese pursuant to the licence of another bishop,

(d) consecration as an assistant bishop,

(e) consecration or installation as the bishop of a diocese,

and by a member of the laity on

(f) first licensing of that member by the bishop of a diocese.

Form of declaration and assent to doctrine and formularies

5. Whenever a declaration and assent to the doctrine and formularies of the Church is made by a member of the clergy the following form shall be used -

“I..................... firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of The Anglican Church of Australia as expressed in the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons and the Articles of Religion, as acknowledged in section 4 of the Constitution, and I believe that doctrine to be agreeable to the word of God.

I declare my assent to the Fundamental Declarations of The Anglican Church of Australia as set out in sections 1, 2 and 3 of the Constitution.
In public prayer and administration of the sacraments I will use the form prescribed in the Book of Common Prayer or a form authorised by lawful authority and none other.”

Assent to Constitutions and Laws

6. An assent to the constitutions and laws of the Church shall be required of a member of the clergy on

(a) ordination to the diaconate,

(b) ordination to the priesthood,

(c) first licensing of the member by the bishop of a diocese

(i) that member not having been ordained to the diaconate or priesthood in the diocese, or

(ii) following service by that member outside the diocese pursuant to the licence of another bishop,

(d) consecration as an assistant bishop,

(e) consecration or installation as the bishop of a diocese,

and by a member of the laity on

(f) first licensing of that member by the bishop of the diocese.

Form of Assent to Constitutions and Laws

7. (1) Subject to sub-sections (2) and (3), whenever an assent to the constitutions and laws of the Church is made by a member of the clergy or the laity the following form shall be used -

“I ...................... do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitution of the province of .......... and of this diocese and by the canons, statutes, ordinances and rules, however described, from time to time of the synod of this diocese and of the General Synod and the provincial synod (or council) which have force in this diocese.”
(2) The form prescribed in sub-section (1) may be varied by deleting provincial references in a diocese which is not within a province.

(3) In a diocese in which a provision of the constitution of the diocese which is in force and which was in force on 1 January 1998 prescribes a different form of assent the diocesan form may be used instead of the form in sub-section (1).

**DIOCESAN PROVISION**

8. (1) Nothing in this canon prevents the bishop or synod of a diocese requiring or providing for the use of any of the oaths, affirmations, declarations and assents referred to in this canon on occasions additional to those provided in this canon.

(2) Unless the bishop or synod of a diocese otherwise requires or provides, a person to be consecrated, ordained, instituted or licensed in this Church within the diocese is not required to take, make or subscribe to an oath, affirmation, declaration, assent or subscription not provided for or referred to in this canon.

**Substantial Compliance**

9. A deviation from the form of an oath, affirmation, declaration or assent prescribed in this canon which does not materially affect the substance shall be sufficient compliance with the requirements of this Canon.

**Canon 36 of 1603 Repealed**

10. Except to the extent that it requires a person to be licensed by the bishop of the diocese, the Canon numbered 36 of the Canons of 1603, insofar as it may have had any force either in its original form or as amended, shall have no operation or effect in a diocese which adopts this Canon.

**Canon 7, 1973 Repealed**

11. The Form of Declaration and Assent Canon 1973 is repealed.

**Canon Affects Dioceses**

12. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance.
A Canon concerning baptism

The General Synod prescribes as follows:

1. This Canon may be cited as “Canon Concerning Baptism 1992”.

2. The sacrament of Holy Baptism shall normally be administered at public worship.

3. Baptism shall take place by immersing a person in water or by pouring water upon the candidate and by pronouncing the words, “I baptise you in the name of the Father, and of the Son, and of the Holy Spirit.”.

4. Due notice must be given to the minister of a church before a child is brought or a person comes to the church to be baptised.

5. Except in extreme circumstances -
   (a) the minister, before baptising any person able to answer for himself or herself, shall be satisfied that such person has been instructed and prepared in the Christian faith; and
   (b) the minister, before baptising an infant or person who cannot answer for himself or herself shall be satisfied that at least one of the parents or guardians of the infant or person have been instructed in the Christian faith, and that they are aware that the same responsibilities rest on them as are required of the godparents.

6. Subject to sections 4, 5, 7 and 8, no minister may refuse or, except for the purpose of preparing or instructing the parents or guardians or godparents, delay baptising a child who has a parent or guardian who professes to be a Christian.

7. A minister shall not normally baptise a child whose parents or guardians are not parishioners of or resident in the parish where it is proposed the baptism be administered unless at least one of the parents or guardians attends divine service in the parish or the minister has sought the advice of the minister of the parish where the parents or guardians reside or usually attend divine service.

8. Every child to be baptised shall have at least one, but usually three godparents or sponsors of whom at least two shall be of the same sex as the child and of whom at least one shall be of the opposite sex. Either or both of the parents of a child may act as godparents or sponsors. Godparents or sponsors shall be baptised persons and

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7 This canon was passed provisionally as Canon P5, 1992.
should be persons who will faithfully fulfil their responsibilities both by their spiritual
nurture and instruction of the children committed to their charge and by the example
of their own godly living.

9. For every candidate for baptism who is able to answer for himself or herself one
such sponsor shall suffice, whose responsibility shall be to encourage the candidate to
continue in the Christian life.

10. This Church holds and teaches that the sign of the cross\(^8\) used in baptism is no part
of the substance of the sacrament but retains that sign in baptism.

11. The minister shall, in a Register kept for the purpose, record or cause to be recorded
the name of each person baptised, and the date and place of baptism, and provide the
person and his or her godparents or sponsors with a certificate of baptism.

12. A diocesan synod may promulgate rules and guidelines not inconsistent with this
canon for the administration of baptism within that diocese.

13. The Godparents Canon 1977 is repealed as regards a diocese which adopts this
canon.

14. The canons numbered 29, 30, 68, 69 and 70 of the Canons of 1603, in so far as the
same may have any force, have no operation or effect in a diocese which adopts this
canon.

15. The provisions of this Canon affect the order and good government of this Church
within a diocese and shall not come into force in a diocese unless and until the diocese
adopts this Canon by ordinance of the synod of the diocese.

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\(^8\) A fuller explanation of the sign of the cross at baptism is set out in A Prayer Book for Australia at page 822.
CHANCELLORS CANON 2001

Canon No. 4, 2001

A canon to provide for the appointment of chancellors and for other purposes

The General Synod prescribes as follows:-

Title

1. This Canon may be cited as the “Chancellors Canon 2001”.

Office of Chancellor

2. (1) The chancellor of a diocese is the principal confidential adviser to the bishop of the diocese in legal and related matters.

   (2) Subject to the chancellor’s overriding duty to the bishop, the chancellor may provide advice to the synod and other agencies of the diocese.

   (3) The chancellor may preside in the diocesan tribunal as deputy president, if appointed so to do by the bishop pursuant to section 54(1) of the Constitution of the Anglican Church of Australia.

   (4) The chancellor has such other powers duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, the constitution of a diocese, canons or ordinances.

Qualifications

3. (1) A person to be appointed as a chancellor -

   a) shall be a communicant member of the Anglican Church of Australia, and

   b) shall be or shall have been

      (i) a Justice of the High Court of Australia, a Justice of the Federal Court of Australia or the Family Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia, a Judge of the Family Court of Western Australia, a Judge of a District or County Court of a State or Territory of Australia, or a Justice of a Court prescribed by canon of the General Synod; or

      (ii) a barrister or solicitor of at least seven years standing of the Supreme Court of a State or Territory; or
(iii) a graduate in law and a teacher of law of at least seven years standing as such holding the position of Senior Lecturer or above in law at a University in Australia.

(2) When making an appointment, the bishop of a diocese should, wherever possible, be satisfied that the person to be appointed has a sound working knowledge of the law and polity of the Anglican Church of Australia.

Appointment and Tenure

4. (1) Whenever a vacancy occurs, a chancellor may be appointed by the bishop of the diocese and the appointment shall be under seal in the form contained in the Schedule or in some other appropriate form.

(2) A chancellor ceases to hold office at the end of the period for which he or she was appointed or at the end of six months after the installation of the successor to the appointing bishop, whichever occurs first, unless appointed to the position of chancellor by that successor within that period.

(3) Notwithstanding the provisions of subsection (2), a chancellor -
(a) may resign the office by notice in writing to the bishop; and
(b) may be removed from office by the bishop.

Deputy chancellor

5. The Bishop may appoint a deputy chancellor, by whatever title, either as a continuing office or to act in the absence of the chancellor or during a vacancy in the office of chancellor. Sections 3 and 4 (2) and (3) shall apply to a deputy chancellor.

Oaths and declarations

6. A chancellor and a person appointed to act as deputy chancellor, before that person enters upon the execution of the office, is required to take and subscribe before the bishop of the diocese or a person nominated by the bishop entitled to administer an oath:

(a) the following oath or affirmation:

“I, AB, do swear that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office: So help me God.”; or

“I, AB, do solemnly and sincerely affirm that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office.”
and

(b) such other oaths and declarations as are usual in the diocese in the case of senior appointments.

Saving provision

7. (1) Subject to subsection (2), this canon shall not apply so as to call into question in any respect whatsoever the qualification, mode of appointment, tenure of office, decisions or actions of any person appointed a chancellor in a diocese prior to the date of adoption of this Canon by such diocese.

(2) A Chancellor or Deputy Chancellor appointed before this Canon comes into force in a diocese shall cease to hold office in accordance with the provisions of section 4 of this Canon.

Repeal of Canons

8. If in any diocese Canons 127 and 128 of the Canons of 1603 continue to have or may have any force or operation, the adoption of this Canon by ordinance of the synod of the diocese shall effect the repeal of those Canons in that diocese.

Inconsistency

9. If this Canon is inconsistent with the constitution of a diocese in which this Canon comes into force then such constitution shall prevail to the extent of the inconsistency.

Canon affects order and good government

10. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.
SCHEDULE

LET IT BE KNOWN that I A.B., by Divine Providence, Bishop/Archbishop of X, do appoint C.D. [state qualifications] to be my Chancellor in the Diocese of X, to hold and exercise that Office for the term of ........ and subject to the Chancellors Canon 2001 of the General Synod of the Anglican Church of Australia, AND, subject to the provisions of the law of the Anglican Church of Australia having force in this Diocese and to the Constitution and Ordinances of the Diocese from time to time in force, do grant and confirm in C.D. the authority jurisdiction rights and powers of the office of Chancellor and to do and perform all things pertaining to such office as may be prescribed or permitted by law or custom in this Diocese.

IN WITNESS WHEREOF I have caused my seal to be affixed and have signed this document as a deed this

day of 20 .
Holy Communion Canon 2001

Canon 10, 2001

A canon concerning the Holy Communion or the Lord’s Supper 1992 (~2001)

The General Synod prescribes as follows:

1. This canon may be cited as “The Holy Communion Canon 2001”.

2. Wherever possible, in the church or one of the churches in every parish, the Holy Communion or the Lord’s Supper should be celebrated sufficiently frequently and at appropriate times so as to provide reasonable opportunity for every parishioner to communicate regularly and frequently and at Easter.

3. Every minister when celebrating the Holy Communion or the Lord’s Supper must receive the sacrament, normally first.

4. The sacrament must normally be offered separately in both kinds to every communicant.

5. The bread offered must be wholesome and the wine must be of good quality.

6. (1) If a minister who has the cure of souls believes that anyone who intends to partake of the Holy Communion or the Lord’s Supper ought not to be admitted thereto by reason of malicious and open contention with another or other grave sin without repentance, the minister must:

   (a) inform the bishop of the diocese of the belief of that minister, and

   (b) not refuse to admit that person to the Holy Communion or the Lord’s Supper unless directed by the bishop so to do,

   provided that in the case of grave and immediate scandal any ordained minister, in the discretion of that minister, may refuse to admit the person concerned pending receipt of a direction from the bishop. Before issuing a direction other than an interim direction or a direction that a person not be refused admission to the Holy Communion the bishop must afford that person an opportunity to be heard.

   (2) Should the bishop direct a minister under sub-section (1) not to admit a person to the Holy Communion, every other minister in the diocese should likewise refuse to admit that person to the Holy Communion unless and until the bishop otherwise directs.

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9 This canon was passed provisionally in its original form as Canon P4, 1992
7. The canons numbered 20, 21, 22, 23, 26, 27 and 28 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

8. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.
The General Synod prescribes as follows:

**Short title**

1. This Canon may be cited as the “Holy Orders, Relinquishment and Deposition Canon 2004.”

**Definitions**

2. In this Canon—

   “national register” means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of a tribunal;

   “person in Holy Orders” means a person ordained into Holy Orders as bishop, priest or deacon according to the rites and ceremonies of this Church and includes a person who is (or was at a relevant time) a member of this Church in Holy Orders, and who is resident in a diocese.

   “tribunal” means a tribunal established in accordance with the provisions of Chapter IX of the Constitution and includes a body established by canon or by an ordinance of a diocese.

**Relinquishment of the Exercise of Holy Orders**

3. A person in Holy Orders may relinquish the exercise of Holy Orders by –

   (a) resigning all clerical licences and appointments held by that person as a bishop, priest or deacon; and

   (b) executing an instrument of relinquishment in or to the effect of the form in Schedule 1 endorsed with the consent, if given –

      (i) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, of the bishop of that diocese; and

      (ii) of the bishop of the diocese in which the person resides who must be satisfied that the person is not currently the subject of any information
complaint or charge in any diocese concerning his or her conduct or fitness to hold office.

**Deposition from Holy Orders**

4. The bishop of a diocese in which a person in Holy Orders resides may by executing an instrument in or to the effect of the form in Schedule 3 depose the person from Holy Orders if—

   (a) the person has resigned all clerical licences and appointments held by that person as a bishop, priest or deacon; and

   (b) the person consents to the deposition by executing an instrument in or to the effect of the form in Schedule 2; and

   (c) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, the bishop of that other diocese consents by executing an instrument in or to the effect of the form in Schedule 3.

   (d) the bishop is satisfied that the person is not currently the subject of any information, complaint or charge in any diocese concerning his or her conduct or fitness to hold any office.

**Liturrgical context**

5. The relinquishment by a person of the exercise of Holy Orders or the deposition of a person from Holy Orders may, with the consent of the person, be set in a liturgical context by the bishop.

**Deposition after sentence of a tribunal**

6. The deposition of a person from Holy Orders by a bishop pursuant to the sentence of a tribunal shall be effected by the execution by the bishop of an instrument of deposition in or to the effect of the form in Schedule 4.

**Registration**

7. (1) In this section—

   “bishop” means—

   (a) the bishop who consents to a relinquishment of the exercise of Holy Orders in accordance with this canon; or

   (b) the bishop who executes an instrument of deposition from Holy Orders in accordance with this or another Canon or an ordinance of a diocese;
“instrument” means—

(a) an instrument of relinquishment of the exercise of Holy Orders in accordance with section 3; or

(b) an instrument of deposition from Holy Orders in accordance with section 4; or

(c) an instrument of deposition from Holy Orders pursuant to a sentence of a tribunal.

(2) Upon relinquishment by instrument of the exercise of, or the deposition by instrument from, Holy Orders, the bishop must forthwith—

(a) cause the instrument to be registered in the register of the bishop; and

(b) deliver a copy of the instrument to the bishop of the diocese in or for which the person who is the subject of the instrument was ordained; and

(c) cause a copy of the instrument to be registered in the national register.

8. (1) The bishop may give notice that a person has relinquished the exercise of his or her Holy Orders under section 3 or been deposed from Holy Orders under section 4 to such persons as the bishop considers necessary.

(2) The bishop may include in the notice under subsection (1) a statement of any circumstances relevant to the relinquishment or deposition.

Effect of relinquishment or deposition

9. A person who has relinquished the exercise of Holy Orders or who has been deposed from Holy Orders in accordance with this or another Canon or following the sentence of a tribunal—

(a) may not:

(i) officiate or act in any manner as a bishop, priest or deacon of this Church; or

(ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;

(b) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;

(c) shall not hold himself or herself out to be a member of the clergy;

(d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese.
(e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.

Effect of revocation of relinquishment or deposition by consent

10. The provisions of section 8 shall not apply to a person in respect of whom the relinquishment of the exercise of Holy Orders or deposition from Holy Orders has been revoked in accordance with this Canon.

Revocation

11. (1) A person, the exercise of whose Holy Orders has been relinquished or who has been deposed from Holy Orders with the consent of the person in accordance with this Canon may petition the Metropolitan of the Province in which the person resides or, if the person resides in an extra-provincial diocese, the Primate, to issue a certificate of revocation of the instrument of relinquishment of the exercise of Holy Orders or deposition from Holy Orders.

(2) The petition shall include a statement of—

(a) the circumstances and reasons in and for which the petitioner executed the instrument of relinquishment or consented to the deposition from Holy Orders; and

(b) the nature of the work or employment upon or in which the petitioner has been engaged, and the place or places in which the petitioner has resided since executing the instrument of relinquishment or consent to the deposition as the case may be; and

(c) the circumstances and reasons in and for which the revocation is sought.

(3) The Metropolitan or the Primate, as the case requires, shall confer with the bishop of the diocese in which the petitioner last held a clerical licence or appointment and the bishop of the diocese in which the person resides and may make such other enquiries as seem appropriate.

(4) The Metropolitan or the Primate, as the case requires, may by writing under seal certify that, for all purposes, the instrument of relinquishment of the exercise of Holy Orders or the instrument of deposition from Holy Orders ceases to have any force or effect.

(5) A certificate under sub-section (4) shall be registered in—

(a) the register of the bishop of the diocese in which the instrument of relinquishment or the instrument of deposition was registered; and
(b) the register of the Primate; and

(c) the national register –

and a copy of the certificate shall be delivered to the bishop of the diocese in or for which the petitioner was ordained.

12. (1) It is an offence for a person who has relinquished the exercise of his or her holy orders under section 3 to hold out that the person continues to exercise those orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

(2) It is an offence for a person who has been deposed under section 4 to hold out that the person remains in Holy Orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

Repeal

13. The Canon numbered 76 of the Canons of 1603, insofar as it may have any force, shall have no operation or effect in a diocese of this Church which adopts this canon.

Coming into force by adoption

14. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

SCHEDULES

SCHEDULE 1

VOLUNTARY RELINQUISHMENT OF THE EXERCISE OF HOLY ORDERS

KNOW ALL PERSONS BY THESE PRESENTS THAT I, , a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule)

DECLARE that I have resigned all clerical licences and appointments and positions held by me as (bishop, priest or deacon) and DO HEREBY RELINQUISH all rights and privileges as (bishop, priest or deacon) in accordance with the Constitution and Canons of the Anglican Church of Australia and shall hereafter conduct myself accordingly.
PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS

ORDINATION AS DEACON

ORDINATION AS PRIEST

CONSECRATION AS BISHOP

ORDAINING BISHOP(S) PLACE DATE

DATED:
EXECUTED BY:
in the presence of:
(Bishop or Archdeacon or legal practitioner)

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:

I, by divine providence Bishop (Archbishop) of do hereby consent to the above Relinquishment of the exercise of Holy Orders.

DATED:
EXECUTED BY:
in the presence of:

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT RESIDED:

I, by divine providence Bishop (Archbishop) of do hereby consent to the above Relinquishment of the exercise of Holy Orders.

DATED:
EXECUTED BY:
in the presence of:
**SCHEDULE 2**

CONSENT TO DEPOSITION FROM HOLY ORDERS

To:
(Bishop of Diocese)

I, , a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) do hereby consent to my deposition from Holy Orders in accordance with the Constitution and Canons of the Anglican Church of Australia.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS**

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<tr>
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DATED:
EXECUTED BY:
in the presence of:
SCHEDULE 3
DEPOSITION FROM HOLY ORDERS BY CONSENT

I, by divine providence Bishop (or Archbishop) of

To:

GREETING

I do by these presents and with your consent hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia.

SCHEDULE
PARTICULARS OF HOLY ORDERS

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CONSENT OF BISHOP IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:

I, by divine providence Bishop or (Archbishop) of

do hereby consent to the within deposition from Holy Orders.

DATED:
EXECUTED BY:
in the presence of:

DATED
SEALED
SCHEDULE 4
DEPOSITION FROM HOLY ORDERS FOLLOWING SENTENCE OF TRIBUNAL

I, by divine providence Bishop (or Archbishop) of

To:

GREETING

I do by these presents hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal.

SCHEDULE
PARTICULARS OF HOLY ORDERS

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DATED
SEALED
Canon Concerning Holy Orders, 2004

Canon No. 10, 2007

The General Synod prescribes as follows:

Short title
1. This Canon may be cited as the “Canon concerning Holy Orders 2004.”

Definitions
2. (1) In this Canon–

“authorising bishop”, in relation to an ordination, means–
(a) the bishop of the diocese in which the ordination occurs; or
(b) if a bishop ordains a person for the bishop of another diocese, the bishop of that other diocese.

(2) Nothing in this Canon shall make it lawful for a woman to be ordained to the office of deacon in a diocese in which the Ordination of Women to the Office of Deacon Canon 1985 is not in force.

(3) Nothing in this Canon shall make it lawful for a woman to be ordained to the office of priest or consecrated to the office of bishop in a diocese in which the Law of the Church of England Clarification Canon 1992 is not in force.

Bishops, priests and deacons
3. (1) A person shall not be accounted or taken to be a bishop, priest or deacon in this Church unless, in accordance with this Canon or the law of this Church applying at the relevant time, the person –

(a) has been consecrated or ordained to that office by bishops, or a bishop, of this Church, or by bishops, or a bishop, of a Church in communion with this Church; or

(b) has been received into the ministry of this Church by a bishop of a diocese of this Church in accordance with the Holy Orders (Reception into Ministry) Canon 2004.

(2) A person shall not exercise the ministry of bishop, priest or deacon in this Church unless the person has been elected or appointed to an Episcopal office pursuant to the Constitution and ordinances of this Church and the

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10 This Canon was provisionally made as Canon P2, 2004, and amended and passed in 2007.
ordinances of the relevant diocese and Province or is otherwise duly authorised as mentioned in section 14 to minister as a bishop, priest or deacon in this Church.

(3) A person does not have a right to be ordained deacon or priest or to be consecrated bishop.

Age

4. (1) Subject to sub-section (2) –

(a) a person shall not be ordained deacon unless the person is at least 23 years of age;

(b) a person shall not be ordained priest unless the person is at least 24 years of age.

(2) The Metropolitan of the Province in which the ordination of a deacon occurs or, where the ordination occurs in an extra-provincial diocese, the Primate, may, for reasons which seem to the Metropolitan or the Primate appropriate, dispense with the provisions of sub-section (1)(a).

Deacons

5. (1) A person shall not be ordained deacon unless on good and credible evidence the authorising bishop is satisfied that the person –

(a) has been baptised; and

(b) is a confirmed communicant member of this Church or has

   (i) been received into this Church under the Reception Canon 1981 or any other law of this Church providing for the reception of persons into this Church; or

   (ii) been received into a Church in communion with this Church under a law of that Church corresponding to the Reception Canon 1981 or a law of that Church providing for the reception of persons into that Church; and

(c) has a firm conviction of a calling by God to minister in Holy Orders as a deacon; and

(d) is of good character, as testified by a person specified by the authorising bishop; and

(e) is an active member of this Church or of a Church in communion with this Church and has been for no less than one year; and
(f) has completed appropriate training in theological and ministerial formation; and

(g) has a sufficient knowledge of Holy Scripture; and

(h) has a sufficient knowledge of and accepts the doctrine, discipline and principles of worship of this Church; and

(i) has a sufficient knowledge of the forms of worship of this Church; and

(j) has demonstrated the physical and mental capacity to minister.

(2) A person shall not be ordained deacon unless the authorising bishop is satisfied that the person has been designated to receive an appointment as a deacon in this Church in accordance with the Constitution and ordinances of this Church and the ordinances of the relevant diocese and Province.

(3) Notwithstanding sub-section (1)(e), a person –
  (a) who has been ordained minister of another Christian Church; and
  (b) of whom the authorising bishop is satisfied in respect of the other requirements of sub-section (1) – may be ordained deacon.

Priests

6. (1) A person shall not be ordained priest unless on good and credible evidence the authorising bishop is satisfied that the person –
  (a) is a deacon of this Church; and
  (b) has ministered satisfactorily as a deacon for not less than 9 months or, for reasons satisfactory to the authorising bishop, for such shorter period as the authorising bishop approves; and
  (c) has a firm conviction of a calling by God to minister in Holy Orders as a priest; and
  (d) is of good character as testified by a person specified by the authorising bishop; and
  (e) has completed appropriate training in theology and ministerial formation; and
  (f) has a sufficient knowledge of Holy Scripture; and
  (g) has a sufficient knowledge of, and accepts, the doctrine, discipline and principles of worship of this Church; and
(h) has a sufficient knowledge of the forms of worship of this Church; and
(i) has demonstrated the physical and mental capacity to minister.

(2) A person shall not be ordained priest unless the authorising bishop is satisfied that the person has been designated to receive an appointment as a priest in this Church in accordance with the Constitution and ordinances of this Church and the ordinances of the relevant diocese or Province.

Bishops

7. A person shall not be consecrated bishop unless on good and credible evidence the Metropolitan of the Province which includes the diocese for or in respect of which the consecration takes place or, in the case of an extra-provincial diocese, the Primate or, in either case, the diocesan bishop nominated by the Primate or the Metropolitan to act in the place of the Primate or the Metropolitan for such consecration pursuant to the Consecration of Bishops Canon 1966 is satisfied that the person –

(a) is of good character as testified by a person specified by the Metropolitan, Primate or other bishop as the case requires; and
(b) satisfies the requirements of canonical fitness; and
(c) has been duly elected or appointed to an Episcopal office in accordance with the Constitution and any other relevant canon or ordinance.

Ordaining bishop

8. Where an ordination under section 5 or 6 is not performed by the bishop of the diocese for which the person is being ordained, the ordaining bishop may act only on the written confirmation of the bishop of that diocese that the requirements of the relevant section have been satisfied.

Diaconate

9. Nothing requires that a deacon be at some time ordained priest, the office of deacon being recognised by this Church as a full and distinctive order within the historic ministry of this Church.

Ordinal or other form of service

10. A person shall be consecrated bishop or ordained priest or deacon in this Church in accordance with the Ordinal or a form of service authorised by General Synod.

Consecration

11. Sections 1 and 2 of the Consecration of Bishops Canon 1966 as in force immediately before the enactment of this Canon apply to and in respect of the consecration of a bishop.
Day and place of consecration

12. The consecration of a bishop shall take place upon some Sunday or Holy Day unless the Metropolitan or, in the case of an extra-provincial diocese, the Primate, for special reasons appoints some other day and shall take place either in the metropolitical church of the Province or in a cathedral church or in another church or in some other place appointed by the Metropolitan or, in the case of an extra-provincial diocese, the Primate.

Place of ordination

13. Ordination to the office of priest or deacon shall take place either in the cathedral church of the diocese or in some other place nominated by the bishop.

Authority to minister

14. A bishop (not being the bishop of the diocese), a priest and a deacon may minister in that capacity in a diocese only after having received authority to do so from the bishop of the diocese, such authority ordinarily being given by licence under the hand and seal of the bishop or by written permission of the bishop.

Oaths etc and acceptance of codes of practice etc

15. (1) A bishop of a diocese, and an assistant bishop or a priest or deacon who has received authority from the bishop of a diocese to minister in that diocese shall take the oaths or affirmations, and make the declaration and assent, and the assent, required under the Oaths Affirmations Declarations and Assents Canon 1992 as adopted by the diocese or, if that Canon is not adopted by the diocese, such other oaths, affirmations, declarations and assents as are required under the law in force in that diocese.

(2) A bishop of a diocese, an assistant bishop or, a priest or deacon who has received authority from the bishop of a diocese to minister in that diocese shall declare acceptance of such codes of practice as are from time to time in force in the diocese.

Permission to officiate

16. The bishop of a diocese of this Church may permit a bishop, priest or deacon consecrated or ordained in this Church or in a Church with which this Church is in communion, to officiate as a bishop, as a priest or a deacon, as the case may be, in any parish or congregation of this Church within the diocese if the bishop has satisfactory evidence relating to the bishop's consecration or the priest or deacon'sordination and good standing.
**Removal of bar to ordination**

17. A person shall not be refused ordination as deacon or priest or consecration as a bishop on the ground that the person was born out of lawful wedlock.

**Enforcement of Canon**

18. (1) A person must not -

   (a) in undertaking the whole, or any part, of any ordination or consecration (or purported ordination or consecration) in this Church; or

   (b) in submitting or offering himself or herself for ordination or consecration in this Church,

   knowingly act in contravention of this Canon.

(2) A person who breaches sub-section (1) will be taken to be in wilful violation of this Canon for the purposes of the Offences Canon 1962.

**Canons 31 to 37**

19. The Canons numbered 31 to 37, inclusive, of the Canons of 1603, insofar as the same may have any force, either in their original form or as amended or as affected by a law of this Church, shall have no operation or effect in a diocese of this Church which adopts this canon.

**Coming into force by adoption**

20. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.
PROVISIONAL CANONS

NO PROVISIONAL CANONS CURRENT
BILLS AND CANONS
FOR THE ALTERATION
OF THE CONSTITUTION
NOT IN EFFECT
OR NOT IN
FULL OPERATION
A Bill to Alter the Constitution of the Anglican Church of Australia with Respect to the Ordination of Women

Bill 1, 1981

The General Synod prescribes as follows:

1. The Constitution of this Church is altered as follows:

   (1) In Section 4 for the expression “4. This” there is substituted the expression “4. (1) This”.

   (2) At the end of Section 4 there is added the following sub-section:

       “(2) Nothing in this section prevents this Church from authorising by canon the ordaining of women into the three orders of bishops, priests and deacons in the sacred ministry.”

   (3) There is inserted in Section 74 after sub-section (6), the following sub-section:

       “(6A) Notwithstanding anything in sub-section (6), in Chapters II to XII both inclusive and in the Table annexed to this Constitution words importing the masculine shall include the feminine.”

2. This bill shall come into effect upon a date to be declared by the Primate on the advice of the Standing Committee of General Synod provided that at least three quarters of the diocesan synods of this Church including the synods of all metropolitan Sees have assented to it by ordinance, all such assents being in force at the same time.
A Bill to Alter the Constitution of the Anglican Church of Australia with Respect to the Mode of Appointment of the Appellate Tribunal

Bill 2, 1981

1. The Constitution of this Church is altered by omitting from Sub-section (1) of Section 57 the paragraph which begins “The members shall be appointed” and which ends “of the House of Laity.”

1 See also s.2 of Canon 1, 1987 and Bill 1, 1987.
CONSTITUTION ALTERATION
CANON 1987

Canon 1, 1987
See: Bill 1, 1987

A canon to alter the Constitution with respect to alteration of the Constitution

The General Synod prescribes as follows:

1. The Constitution is altered to the extent provided by this Canon and the Schedule to this Canon.

2. Notwithstanding any provision of this Canon or of the Constitution in the event that three-quarters of the diocesan synods including the metropolitan synods of this Church shall have assented by ordinance to an instrument mentioned at the foot of this clause, all such assents being in force at the same time, the President shall appoint a date being not earlier than three months nor later than six months from the date upon which he so appoints on which that instrument shall come into effect and upon the day so appointed this Constitution shall be altered as provided by that instrument; the date appointed and sufficient particulars to identify the instrument shall be notified in the Commonwealth of Australia Gazette and in the Government Gazette of each State.


3. The amendments 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.

4. This Canon may be cited as “Constitution Alteration Canon 1987”.

SCHEDULE

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2 This canon came into effect on 1 July 1992.
3 Section 2 has not come into operation.
4 The alterations set out in the Schedule came into effect on 1 July 1992 and are incorporated in the text of the Constitution in this book.
CONSTITUTION ALTERATION
BILL 1987

Bill 1, 1987
See: Canon 1, 1987

A bill to alter the Constitution with respect to alteration of the Constitution

The General Synod prescribes as follows:

1. The Constitution is altered to the extent provided in this Bill and the Schedule to this Bill.

2. Notwithstanding any provision of this Bill or of the Constitution in the event that three-quarters of the diocesan synods including the metropolitan synods of this Church shall have assented by ordinance to an instrument mentioned at the foot of this clause, all such assents being in force at the same time, the President shall appoint a date being not earlier than three months nor later than six months from the date upon which he so appoints on which that instrument shall come into effect and upon the day so appointed this Constitution shall be altered as provided by that instrument; the date appointed and sufficient particulars to identify the instrument shall be notified in the Commonwealth of Australia Gazette and in the Government Gazette of each State.


3. This Bill may be cited as “Constitution Alteration Bill 1987”.

SCHEDULE

---

5 This bill came into effect on 1 July 1992.
6 Section 2 has not come into operation.
7 The alterations set out in the Schedule came into effect on 1 July 1992 and are incorporated in the text of the Constitution in this book.
CONSTITUTION ALTERATION
(TITLE OF THE PRIMATE) CANON 1989

Canon 6, 1989
See: Bill 3, 1989

A canon to alter the Constitution with respect to the title of a Primate who is not a Metropolitan

The General Synod prescribes as follows:
1. The Constitution is altered to the extent provided in the Schedule to this canon.
2. The amendment of the Constitution that is 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.
3. This canon may be cited as the “Constitution Alteration (Title of the Primate) Canon 1989”.

SCHEDULE

Section 10 is altered by inserting, after the first paragraph, the following paragraph:

“A Primate who is not also a metropolitan has the same title as a metropolitan. The title shall confer no rights, powers or jurisdiction.”
Constitution Alteration
(Title of The Primate) Bill 1989

Bill 3, 1989
See: Canon 6, 1989

A bill to alter the Constitution with respect to the title of a Primate who is not a Metropolitan

The General Synod prescribes as follows:

1. The Constitution is altered to the extent provided in the Schedule to this bill.
2. This bill may be cited as the “Constitution Alteration (Title of the Primate) Bill 1989”.

SCHEDULE

Section 10 is altered by inserting, after the first paragraph, the following paragraph:

“A Primate who is not also a metropolitan has the same title as a metropolitan. The title shall confer no rights, powers or jurisdiction.”
CONSTITUTION AMENDMENT
(SECTION 51) CANON 1992

Canon 7, 1992

A canon to amend section 51 of the Constitution and the Table annexed to the Constitution

The General Synod prescribes as follows:

Title

1. This Canon may be cited as the “Constitution Amendment (Section 51) Canon 1992.”

Amendment of section 51

2. Section 51 of the Constitution is deleted and the following section is inserted in lieu thereof:

51. (1) Subject to the terms of this Constitution the synod of a diocese may make ordinances for or relating to the order and good government of this Church within the diocese, including ordinances in respect of discipline.

(2) An ordinance of the synod of a diocese must be made in accordance with the procedure in that behalf prescribed by or under the constitution of the diocese.

(3) An ordinance may be for or relating to the order and good government of this Church within the diocese notwithstanding that it may have some effect outside the diocese or may relate to some matter affecting the order and good government of this Church which is within the powers of General Synod.

(4) An ordinance of the synod of a diocese that is inconsistent with this Constitution or with a canon of General Synod in force in the diocese is, to the extent of the inconsistency, of no effect.

(5) It is declared for the avoidance of doubt that nothing in this section prevents the synod of a diocese from making ordinances under this section in respect of ordination or anything relating thereto.

(6) The Primate may refer to the Appellate Tribunal any question whether a particular ordinance of the synod of a diocese is of no effect because of...
an inconsistency referred to in subsection (4), and section 63 does not apply to any such question.

(7) The answer of the Appellate Tribunal on a question referred to it under subsection (6) is final.

(8) A provision of an ordinance of the synod of a diocese -

(a) made before the date on which this section comes into effect; and

(b) in force before that date or to come into operation or effect after that date is as valid and effective as it would have been if this section had been in force at the time the ordinance was made.

(9) Subsection (8) does not apply to a provision that -

(a) was invalid or ineffective before the date on which this section comes into effect; and

(b) would have been invalid or ineffective even if this section had been in force at the time the provision was made.

Amendment of Table Annexed to the Constitution.

3. (1) Paragraph 1 of the Table Annexed to the Constitution (hereinafter is called “The Table”) is amended by deleting therefrom the word “clergymen” and by inserting in lieu thereof the words “the clergy”.

(2) The first sentence of paragraph 3 of the Table is amended by:

(a) deleting the word “clergymen” and by inserting in lieu thereof the words “the clergy”; and

(b) deleting the words “priests’ orders” and by inserting in lieu thereof the words “priests’ orders or in deacons’ orders and, in each case,”.

(3) The second sentence of paragraph 3 of the Table is amended by:

(a) inserting after the words “priests’ orders” (first occurring) the words “or in deacons’ orders”; and

(b) deleting the words “clergyman in priests’ orders” and inserting in lieu thereof the words “person in priests’ orders or in deacons’ orders”.

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CONSTITUTION AMENDMENT
(RELATIONS WITH OTHER CHURCHES)
CANON 2004

Canon No. 11, 2004

A canon to amend the constitution with respect to the relations of this Church with other Churches

The General Synod prescribes as follows:

Short title

1. This Canon may be cited as the “Constitution Amendment (Relations with other Churches) Canon 2004.”

New Section 6 substituted – Churches in communion

2. Section 6 of the Constitution is deleted and the following substituted—

“6 (1) This Church shall continue in communion with the Church of England in England so long as communion is consistent with the Fundamental Declarations

(2) Unless otherwise prescribed by canon of General Synod, this Church shall continue in communion with churches in communion with the Church of England in England so long as communion is consistent with the Fundamental Declarations.

(3) The General Synod may make canons:

(a) declaring those churches with which this Church is in communion, or

(b) specifying the conditions for entering into communion with other churches.

(4) The General Synod cannot make a canon referred to in subsection (3) in relation to a church unless communion with the church is, or will be if the conditions specified for entering into communion with the church are complied with, consistent with the Fundamental Declarations.

(5) No canon referred to in subsection (3) shall come into effect unless and until at least three quarters of the diocesan synods of this church
including all of the metropolitan dioceses have assented to it by ordinance and all such assents be in force at the same time.

(6) This Church shall continue in communion with:

(a) a church the subject of a declaration referred to in subsection (3) (a), or

(b) a church with which communion has been entered into in accordance with conditions referred to in subsection (3)(b), so long as communion is consistent with the Fundamental Declarations.

(7) Nothing in this section prevents the bishop of a diocese, or the synod of a diocese, from determining, in accordance with the powers, authorities, duties or functions of the bishop or synod, any matter relating to communion affecting the diocese.”
CONSTITUTION ALTERATION
(CHAPTER IX) CANON 2004

Canon No. 13, 2004

A canon to amend the constitution with respect to administrative bodies and appeals therefrom and for incidental matters

The General Synod prescribes as follows:

1. This Canon may be cited as the “Constitution Alteration (Chapter IX) Canon 2004”.

2. In Chapter IX of the Constitution, after section 63 insert:

   “63A (1) Despite anything to the contrary in this Constitution:
   
   (a) a diocese may establish by ordinance any board or other body whose jurisdiction includes jurisdiction to inquire into the conduct of a person specified in such ordinance, including a person in respect of whom a diocesan tribunal may exercise jurisdiction;
   
   (b) General Synod may establish by canon any board or other body which has jurisdiction to inquire into the conduct of a person:

   (i) in respect of whom the Special Tribunal may exercise jurisdiction; or
   
   (ii) who holds a licence from the Primate in his capacity as Primate.

   (2) A board or body referred to in subsection (1) may, in respect of whom it exercises jurisdiction, exercise such powers as may be specified in the ordinance or canon creating the board or body.

   (3) The powers referred to in subsection (2) may include:

   (a) the powers conferred on a tribunal by section 60 and subsections (2) and (3) of section 62 of this Constitution; and
   
   (b) the power to suspend a person from the duties of office or employment pending the completion of any inquiry by such board or body into the conduct of such person upon such terms and conditions as may be prescribed by such ordinance or canon,
as the case may be, but without deprivation of emoluments pertaining to the office or employment of the person.

(4) The powers referred to in subsection (3) may be exercised in respect of a person notwithstanding that the person is a person in respect of whom a diocesan tribunal or the Special Tribunal may exercise jurisdiction.

(5) A person authorised by ordinance of a diocese or by canon of General Synod as the case may require may give effect to any recommendation or determination of a board or body referred to in this section.

(6) A board or body referred to in this section shall not have power to hear, determine or make recommendations concerning:

(a) an alleged breach of faith, ritual or ceremonial; or

(b) any act or omission which is the subject of a charge before or a determination of a diocesan tribunal or the Special Tribunal.

(7) Subject to subsection (8), an appeal shall lie to a Review Tribunal from any recommendation or determination, other than by way of an interlocutory order, of a board or body referred to in this section.

(8) An appeal referred to in subsection (7) shall only lie by leave of the Review Tribunal and be by way of review of the recommendation or determination that is the subject of the appeal and not by way of rehearing.

(9) In this section a reference to a Review Tribunal is a reference:

(a) to a Review Tribunal constituted and having such powers as are conferred on it by canon of General Synod; and

(b) in the absence of any such canon, to the Appellate Tribunal.

(10) This section applies and shall be deemed always to have applied to a board or body created by ordinance of a diocese or by canon of General Synod having or purporting to have effect at the time when the Constitution Alteration (Chapter IX) Canon 2004 comes into effect.”

3. Section 67(1)(c) of the Constitution is amended by deleting the figure ‘63’ and by substituting therefor the figure ‘63A’.
CONSTITUTION ALTERATION
(CHapter IX) CANON AMENDMENT
CANON 2007

Canon No. 6, 2007

The General Synod prescribes as follows:

1. This Canon may be cited as the “Constitution Alteration (Chapter IX) Canon Amendment Canon 2007”.

2. Section 2 of the Constitution Alteration (Chapter IX) Canon 2004 is amended:

   (a) By deleting the word “A” at the commencement of subsection (2) of proposed section 63A of the Constitution and by inserting in lieu thereof the expression “Subject to this section a”;

   (b) By adding at the end of paragraph (b) of subsection (3) of proposed section 63A of the Constitution the following:

      “provided that the power to suspend the bishop of a diocese may only be exercised with the concurrence of the Diocesan Council of the diocese meeting when the bishop is not present”;

   (c) By adding at the end of subsection (4) of proposed section 63A of the Constitution the following:

      “provided that in the case of the bishop of a diocese such a board or body may only make a recommendation to the Primate or if the Primate is a party to the proceedings or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate if the office were vacant”.

   (d) By adding at the end of subsection (7) of proposed section 63A of the Constitution the following:

      “created by canon of General Synod”;

   (e) By deleting from subsection (8) the words “shall only lie by leave of the Review Tribunal and” and by inserting at the end thereof the words “and shall be limited to such grounds as may be specified by Canon of General Synod”.

Bills and Canons for the Alteration of the Constitution Not in Effect or Not in Full Operation 343
(f) By adding after subsection (9) the following new subsection and by renumbering subsection (10) subsection (11):

“(10) In respect of any recommendation or determination of a board or body referred to in this section created by ordinance of a diocesan synod, any appeal or review shall be subject to and in accordance with the provisions of an ordinance of the diocesan synod.”
Constitution Amendment (Section 10) Canon 2007

Canon No. 08, 2007

The General Synod prescribes as follows:

Title

1. This Canon may be cited as the “Constitution Amendment (Section 10) Canon 2007”.

Amendment of section 10

2. Section 10 of the Constitution is amended -
   (a) by deleting the expression “or incapacity of the Primate or during his absence from Australia for a period exceeding thirty days” and by inserting in lieu thereof the expression, “of Primate or in the event of the Primate being unable to perform the duties of Primate, or declaring, by written statement furnished in accordance with the provisions of this section, that he is unavailable to perform the duties of Primate, for a period of more than fourteen days because of illness, incapacity, absence from Australia or annual or long service leave”;
   (b) by inserting after the paragraph amended above the following paragraph:

A written statement prepared by the Primate for the purposes of the preceding paragraph shall be furnished to the Metropolitan or bishop who is to act in the place of the Primate under that paragraph with a copy filed in the registry of the Primate.
CONSTITUTION AMENDMENT
(SECTION 54A) CANON, 2007

Canon No. 16, 2007

A canon to amend the Constitution in respect of persons licensed by the Primate in his capacity as Primate

The General Synod prescribes as follows:

1. This Canon may be cited as the “Constitution Amendment (Section 54A) Canon 2007”.

2. The Constitution is amended by inserting after section 54 the following new section:

54A (1) For the purposes of this section:

“Primate’s licensee” means a person who holds or who has at any time held a licence from a Primate in the capacity as Primate, other than a bishop assistant to the Primate in the capacity as Primate;

“professional standards matter” means any information of whatever nature and from whatever source relating to the alleged misconduct or omission of a Primate’s licensee wherever or whenever occurring, other than information concerning any alleged breach of faith, ritual or ceremonial.

(2) In respect of a Primate’s licensee either of the following tribunals shall have jurisdiction to hear and determine a charge referred to in subsections (2) or (2A) of section 54 whenever or wherever the event or events giving rise to the charge may have occurred:

(a) the diocesan tribunal of the diocese of the Primate at the time when the charge is brought; or

(b) the diocesan tribunal of a diocese nominated by the Primate at the time when the charge is brought.

(3) Before nominating the tribunal of a diocese under subsection (2)(b) the Primate shall consult with the bishop of that diocese and with such other persons as may be prescribed by canon.

(4) Subject to the provisions of this section, in respect of proceedings brought against a Primate’s licensee in a diocesan tribunal:
(a) the provisions of this Part and of any relevant diocesan ordinance shall apply as if the person were licensed by the bishop of the diocese in the tribunal of which the charge is brought and as if the Primate were the bishop;

(b) only a person nominated by the Primate may promote a charge against a Primate’s licensee;

(c) only the Primate may suspend a Primate’s licensee from the duties of his or her office to the extent that these duties arise from the Primate’s licence, and the consent of the diocesan council shall not be required;

(d) a recommendation of the tribunal shall be made to the Primate;

(e) no appeal shall lie to a provincial tribunal;

(f) any costs and expenses reasonably incurred by –
   (i) the diocese in the tribunal of which the charge is brought, and
   (ii) by or on behalf of the Primate in respect of such a charge shall be paid out of funds under the control of the Synod and may be included in any assessment referred to in section 32.

(5) In respect of a Primate’s licensee also holding a licence from a diocesan bishop:

(a) if the Primate suspends the Primate’s licensee under sub-section (4)(c) the bishop may exercise the power of suspension referred to in subsection 61(1) notwithstanding that no charge other than one under this section has been promoted against the Primate’s licensee; and

(b) if the diocesan bishop suspends a Primate’s licensee under section 61 the Primate may exercise the power of suspension referred to in subsection (4)(a) notwithstanding that no charge has been promoted under this section.

(6) The Primate or his nominee may refer any professional standards matter concerning a Primate’s licensee to the appropriate person or body of either:

(a) the diocese of the Primate; or
(b) a diocese nominated by the Primate.

(7) Before nominating a diocese under subsection (5) the Primate shall consult with the bishop of that diocese and with such other persons as may be prescribed by canon.

(8) Any professional standards matter referred under subsection (5) shall be dealt with in accordance with the provisions of any relevant ordinance of the diocesan synod or a rule or protocol in force in the diocese as if the Primate's licensee were licensed by the bishop of that diocese and as if the Primate were the bishop of that diocese.

(9) Any costs and expenses reasonably incurred –

   (a) by the diocese to which a professional standards matter is referred under subsection (5), and

   (b) by or on behalf of the Primate in respect of any such professional standards matter
        shall be paid out of funds under the control of the Synod and may be included in any assessment referred to in section 32.

(10) Nothing contained in this section shall prevent the operation of any other provision of this Chapter in a diocese in respect of a Primate's licensee, provided that a Primate's licensee cannot be the subject of proceedings in more than one diocesan tribunal for the same charge or for a charge based on the same conduct.

(11) Nothing contained in this section shall prevent a Primate's licensee from being dealt with in respect of a professional standards matter in accordance with the provisions of any relevant ordinance of the diocesan synod of a diocese or a rule or protocol in force in that diocese.

(12) The exercise of any power under this section by the Primate or by any person nominated by the Primate shall be subject to and in accordance with the provisions of any canon of the General Synod.

3. This canon shall not come into effect until after the General Synod by canon authorises the President to appoint a date on which this canon shall come into effect in accordance with section 67(2) of the Constitution.
CONSTITUTION AMENDMENT (SUSPENSION OF BISHOPS) CANON 2007

Canon No. 18, 2007

A canon to amend the Constitution with respect to the suspension of bishops subject to the jurisdiction of the Special Tribunal

The General Synod prescribes as follows:

Title

1. This Canon may be cited as the “Constitution Amendment (Suspension of Bishops) Canon 2007”.

Amendment of s 61A

2. Section 61A of the Constitution is amended by deleting the whole of the first sentence and by inserting in lieu thereof the following:

“Where a charge has been promoted against a bishop in respect of whom the Special Tribunal has jurisdiction, the President of the Special Tribunal, with the concurrence of –

(a) in the case of a diocesan bishop, the Diocesan Council convened by the Primate and chaired by a diocesan bishop appointed by the Primate with the concurrence of a majority of the Metropolitans meeting when the bishop is not present; and

(b) in any other case, the Primate and the bishop of any diocese by whom the bishop is licensed,

may, after considering any submission from the bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time.

At a meeting convened under paragraph (a), the diocesan bishop appointed shall not have a vote.”

Further amendment of section 61A

3. Section 61A of the Constitution is further amended by designating the section subsection (1) and by inserting the following additional subsections:

“(2) Where a charge has been promoted against the Primate the powers and
functions of the Primate under subsection (1) shall be exercised by the person who would exercise the authorities powers rights and duties of the Primate if there were a vacancy in the office.

(3) For the purposes of this section a reference to the Metropolitans excludes a Metropolitan who at the time is the subject of a charge.”
CONSTITUTION AMENDMENT
(PROVINCES AND DIOCESES) CANON 2007

Canon No. 19, 2007

A Canon to amend the Constitution with respect to provinces and dioceses

The General Synod prescribes as follows:

Short title

1. This Canon may be cited as the “Constitution Amendment (Provinces and Dioceses) Canon 2007”.

Provinces

2. The Constitution is amended by adding new sections 38A and 38B:

   “38A Subject to section 38B, a province shall comprise a Metropolitan Diocese and one or more other dioceses.

   38B A province may consist of a Metropolitan Diocese only, and for so long as that is the case, the provincial synod, the provincial council and the constitution of the province remain suspended and all powers of the provincial synod vest in the synod of the Metropolitan Diocese.”

Emergencies

3. The Constitution is further amended by inserting after section 45 the following new section 45A:

   “45A. A diocesan Bishop, or if there be none in office, the administrator of a diocese, with the concurrence of the Diocesan Council and the approval of the Metropolitan and the Primate, may make such administrative arrangements for the emergency administration of that diocese as the bishop or administrator as the case may be considers appropriate provided that no such arrangement shall last longer than the termination of the next ordinary session of the General Synod unless such session by resolution authorizes its continuation.”

Ancillary Amendments

4. The Constitution is further amended as follows:

   (a) By amending section 52(2)
(i) by substituting the words “Metropolitan Diocese” for the words “metropolitan see”; and

(ii) by deleting the words “or to have associated with it three dioceses.”

(b) By adding to section 74(1) in the appropriate alphabetical order:

“Metropolitan Diocese” means each of the dioceses of Sydney, Melbourne, Brisbane, Perth and Adelaide.
CONSTITUTION AMENDMENT
(DIOCESAN COUNCIL) CANON 2010

Canon No 1, 2010

The General Synod prescribes as follows –

Title
1. This Canon is the “Constitution Amendment (Diocesan Council) Canon 2010”

Amendment of Section 74
2. The definition of “Diocesan council” in subsection 74(1) of the Constitution is deleted and the following definition is inserted instead –

“Diocesan council” in a diocese where there is a synod means –
(a) the body exercising powers and functions of the synod on its behalf when it is not in session, or
(b) where there is no such body, the body constituted or determined by the relevant synod to be the diocesan council.”

Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on 18 September 2010.

___________________________
L.R. Snell
Clerical Secretary
Date: 18/9/2010

___________________________
A. Skamp
Lay Secretary
Date: 18/9/2010
Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the day of 2010 as the date on which this canon shall come into force.

___________________________
President

Date:
CONSTITUTION AMENDMENT (APPELLATE TRIBUNAL PART HEARD MATTERS) CANON 2010

Canon No 3, 2010

The General Synod prescribes:

1. Insert after Section 57(1) of the Constitution:

   (1A) Despite the restrictions in Section 57(1) on the composition of the Appellate Tribunal, the General Synod may by canon provide for –

   (a) the continuation in office of a member of the tribunal whose office is to be vacated, but who is participating in the disposition of an appeal, question or matter made or referred to the tribunal that will not be concluded by the date on which the member’s office is to be vacated, for the purposes only of participating in and concluding that unfinished appeal, question or matter; and

   (b) the appointment of a person to fill the office of such member –

       and the person so appointed must not participate in that unfinished appeal, question or matter, but is the member of the tribunal for all other appeals, questions or matters.

Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on 19 September 2010.

___________________________
L.R. Snell
Clerical Secretary
Date: 19/9/2010

___________________________
A. Skamp
Lay Secretary
Date: 19/9/2010
Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the day of 2010 as the date on which this canon shall come into force.

___________________________
President

___________________________
Date:
CONSTITUTION AMENDMENT
(SECTION 30) CANON 2010

Canon No 8, 2010

A canon to amend Section 30 of the Constitution.

The General Synod prescribes as follows:-

1. This Canon is the “Constitution Amendment (Section 30) Canon, 2010”
2. Section 30 of the Constitution is amended by adding immediately after the word “thereafter” in proviso (c) the words ‘of its opinion and its reasons therefor’.
3. Section 30 of the Constitution is further amended by adding immediately after the word ‘opinion’ where first occurring in proviso (c)(ii) the words ‘as aforesaid’

Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on 19 September 2010.

__________________________________________
L.R. Snell
Clerical Secretary Date: 19/9/2010

__________________________________________
A. Skamp
Lay Secretary Date: 19/9/2010

Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the day of 2010 as the date on which this canon shall come into force.

______________________________
President Date:
CONSTITUTION AMENDMENT (SENTENCES OF TRIBUNALS) CANON 2010

Canon No 9, 2010

The General Synod prescribes as follows:

Title
1. This Canon may be cited as the “Constitution Amendment (Sentences of Tribunals) Canon 2010.”

Commencement
2. This Canon comes into effect on a date appointed by the President in accordance with section 67(2) of the Constitution.

Sentences of Tribunals
3. In section 60(1) of the Constitution:
   (a) in paragraph (b) delete the word “functioning” and insert the words “performing any function without limit of time or for a specific period of time”;
   (b) after paragraph (c) insert the following new paragraphs:
       “(d) revocation of any licence;”
       (e) an order that the holding of an office or a licence or the performance of a function be subject to a condition or restriction without limit of time or for a specific period of time;
       (f) an order without limit of time or for a specific period of time to do a specified act, or to refrain from engaging in specified conduct or from doing a specified act;”
   (c) renumber paragraph (d) as paragraph (g).
Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on 19 September 2010.

___________________________
L.R. Snell
Clerical Secretary
Date: 19/9/2010

___________________________
A. Skamp
Lay Secretary
Date: 19/9/2010

Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the day of 2010 as the date on which this canon shall come into force.

___________________________
President
Date:
CONSTITUTION AMENDMENT  
(CHapter V) CANON 2010

Canon No 12, 2010

The General Synod prescribes as follows:

1. This Canon is the “Constitution Amendment (Chapter V) Canon 2010.”

2. In Chapter V of the Constitution, after Section 28 insert:

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

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

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

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

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

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

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

3. In Chapter V of the Constitution, in Section 30, delete the opening words “Subject to the preceding section” and insert instead the words “Subject to sections 28A and 29".
Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on 22 September 2010.

___________________________
L.R. Snell
Clerical Secretary
Date: 22/9/2010

___________________________
A. Skamp
Lay Secretary
Date: 22/9/2010

Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the day of 2010 as the date on which this canon shall come into force.

___________________________
President
Date:
RULES

NOTE:
RULES VII, X, XI AND XIV HAVE BEEN REPEALED
I. Rules for the Conduct of All Business

coming before the
General Synod

of
the Anglican Church of Australia

To be known as

Standing Orders

Meeting of Synod

1. The hour of meeting shall be 10.00 a.m. unless otherwise ordered.

Adjournment - if no Quorum

2. If at the expiration of half an hour from the time fixed for meeting there be not a quorum as prescribed by section 21 of the Constitution, the President shall adjourn the Synod to the next day of sitting; and if, at the expiration of half an hour from the time fixed for meeting upon that day, there be not a quorum, the President may either adjourn the Synod to the next day of sitting, or may in his discretion adjourn it sine die.

Prayers

3. The Synod shall be opened each day with prayers by the President.

Secretaries

4. There shall be one Clerical and one Lay Secretary for the Synod, who shall be elected immediately after the Address of the President shall have been delivered, on motion without notice, on the first day of each session of the Synod, and shall hold office until the election of their successors.¹

Duties of Secretaries

5. The secretaries shall prepare the business paper for each day of the session of the Synod, take minutes of the proceedings, and prepare and publish the report thereof. They shall also have charge of the record of all rules and regulations and canons passed by the Synod, and of all other documents appertaining to the business of the Synod, which shall be deposited for safe custody in the Registry of the Primate.

¹ Amended by Rule XXIII. (No. II of 1973).
Representatives elected for two or more seats

6. Whenever any person has been elected as a representative for two or more dioceses, and has not previously made his choice, he shall, on taking his seat, and before taking part in any of the proceedings of the Synod, choose for which of such dioceses he will retain his seat, and the President shall declare the other seat or seats to be vacant.

Order of business for the first day of each session of the Synod

7. (a) After prayers, and before proceeding to the business of the day, (1) the roll of bishops, (2) the roll of clerical representatives summoned to the Synod, and (3) the roll of lay representatives summoned to the Synod shall be called.

(b) The President shall deliver his address.

(c) Motions shall be made for the election of:

(1) A Clerical and Lay Secretary.
(2) A Chair and one or more Deputy Chairs of Committees.
(3) A Committee of Elections and Qualifications.
(4) A Committee to arrange the Order of Business.

(d) The President shall lay upon the table:

(1) A list of special bills which he has declared to be canons under Sec. 28(3)(iii) of the Constitution since the last session of Synod and the dates on which they respectively came into force.

(2) A list of special bills which have not been assented to by every diocesan synod together with the reports and recommendations received from such synods.

(2A) A list of bills which have come into force under Section 28A of the Constitution since the last Session of Synod.

(3) A list of canons which he has declared to be in force following upon a reference of any question to the Appellate Tribunal under Sec. 29 of the Constitution and the dates on which they respectively came into force.

(4) A list of canons in respect of which the Appellate Tribunal has found inconsistency or breach of Sec. 28(1) after reference thereto under Sec. 29 of the Constitution together with the relevant reports of the Appellate Tribunal thereon.

(5) A list of canons duly passed by Synod together with the date appointed by him upon which the said canons came into force under Sec. 30 of the Constitution.

2 Amended by Rule 01, 2007
3 Inserted by Rule 8, 2010 – The amendment comes into effect subject to the amendments to the Constitution made by the Constitution Amendment (Chapter V) Canon 2010 coming into effect.
(6) Notifications and advices from dioceses under Sec. 30(c) of the Constitution.

(7)\(^4\) A report prepared by the Secretaries of Synod of all proposals received from members under Standing Order 42A (a). This report as amended during the course of Synod is called the “amendment sheet”.

(dd)\(^5\) Consideration of any report of the provisional Committee pursuant to Standing Order 11A(1)(b).

(e) Petitions.

(f) Notices of Questions.

(g) Notices of Motions.

(h) Election of a Chairman and other officers of (i) the House of Clergy and (ii) the House of Laity.

(i) Reports, accounts, and motions connected therewith.

(j) Motions by request of (i) the Standing Committee; (ii) the House of Bishops; (iii) a diocesan synod or diocesan council.

(k) Notices of motion for the recommittal of provisional canons under sec. 28(3) (iii) of the Constitution.

(l) Motions which shall have been received by the Standing Committee from members of the Synod at least one month before the session of Synod.

**Notices before 7 p.m.**

8. Notices of questions and of motions given by any member in writing before 7 p.m. on the first day of each session shall, after that hour, be deemed sufficient within the meaning of the 37th Standing Order in lieu of notice given on a previous day.

**Order of business for the second and succeeding days of each session of the Synod**

9. (a) After prayers, the minutes of the previous meeting shall be read and confirmed.

(b) Questions.

(c) Petitions.

(d) Notices of questions.

(e) Notices of motions, including any notice of motion for a declaration under Sec. 30 proviso (b) of the Constitution.

(f) Reports.

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\(^4\) Paragraph d(7) added by Rule 1, 2004

\(^5\) Paragraph (dd) added by Rule 2, 1995.

\(^6\) Inserted by Rule 1, 2010
(g) Orders of the Day.
(h) Motions according to order arranged by the committee appointed by Synod for that purpose.

Orders of the Day and Formal Motions

10. (a) Subject to paragraph (b), except on the first day of session:
(1) at the morning and afternoon sittings, orders of the day and motions in respect of legislation take precedence over general business; and
(2) at the evening sitting, general business takes precedence over legislation; unless Synod otherwise orders, and in all other respects orders of the day take precedence over other matters.

(b) Before the orders of the day or motions are proceeded with the President at each sitting shall call the motions on the business paper and any motion may be taken as a formal motion, unless objection be taken thereto by the word “Object” being called by a person other than the mover, and such motion on being declared formal shall be forthwith put without debate.

Committee of Elections and Qualifications

11. (a) The Committee of Elections and Qualifications shall inquire into and report upon all questions which shall be referred to them by the Synod respecting the validity of any election or return of any member, and also respecting the qualification or disqualification of any person who has been returned as a member of the Synod; and the Committee may sit if they think fit while the Synod is sitting.

(b) The Committee when inquiring into the matters referred to them, may receive the best evidence they can procure or which is laid before them, whether it be such as would be admitted in cases at law or not and they may reject any evidence tendered to them which they may see fit to reject.

(c) The Committee shall report the result of their inquiries to the Synod, and shall report whether they find that the election or return of the member whose case has been referred to them is valid, or whether he is qualified as the case may be; whereupon it shall be competent to move forthwith, without notice, or on any subsequent day, pursuant to notice, that the report be adopted.

(d) Upon the motion for the adoption of the report it shall be competent to substitute for it by way of amendment such resolution in respect to the matter referred to the Committee as to the Synod shall seem proper; provided that such resolution shall state distinctly that the election or return of the member

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7 Para. (a) replaced by Rule 2, 1992.
is or is not valid, or that he is qualified or disqualified to be such member as
the case may be; and if by such resolution or by the adoption of the report, it
be determined by the Synod that the member has not been properly elected or
returned or that he is not qualified to be a member, he shall not thenceforth sit
(unless re-elected) as a member of Synod, and his seat shall be declared vacant,
but if the contrary be determined he may forthwith take his seat.

(e) No member of the Committee of Elections and Qualifications whose case has
been directed to be referred to such Committee, and is still undecided, shall sit
thereon until his case shall have been finally dealt with by the Synod.

Committee to arrange the order of business

11A. (1) Standing Committee of Synod shall, before each session of Synod, appoint
a provisional Committee, comprising the Primate and such other persons as
Standing Committee deems fit:

(a) to arrange the order of business of the Synod for the first day of the
Session, and for any subsequent day before the appointment of the
committee referred to in Standing Order 7(c)(4), with a view to
achieving the aims set out in Standing Order 11A(3); and

(b) to cause to be proposed to Synod any report pursuant to Order 11A(3)
(aa) and such motions relating to the order of business for a day specified
in paragraph (a) as, in its opinion, are desirable to achieve the said aims.

(2) The Committee to arrange the order of business referred to in Standing Order
7(c)(4) shall arrange the order of business of the Synod for each day after its
appointment with a view to achieving the aims set out in Standing Order
11A(3) and shall comprise the President, the Chairman of Committees, the
Deputy Chairs of Committees, the Clerical Secretary, the Lay Secretary, the
General Secretary and such other members, not exceeding 3, as the Synod, by
resolution, appoints.

(3) The aims of the Committee are:

(a) to arrange the order of business of the Synod in such a way, subject
to the Standing Orders and to any orders of the Synod, as will, in its
opinion, best facilitate Synod’s dealing with the business before it from
day to day; and

(aa) to seek to ensure that the Commissions of the Synod are afforded
special opportunity to present issues of substance to the Synod and to
report to the Synod on appropriate means of achieving this; and

9 Amended by Rule 01, 2007
10 Added by Rule 2, 1995.
(b) to cause to be proposed to Synod such motions relating to the order of business as, in its opinion, are desirable to achieve the foregoing aims.

Select Committees

12. Every select committee shall consist of not less than five nor more than twenty-one members and the notice of motion appointing such Committee shall state the number of members it is proposed should serve on such Committee and contain the names of the members proposed to serve thereon. It shall be in the power of any member of the Synod to propose the name or names of any other member or members to serve on such Committee. If the nominations are not in excess of the number of persons required to be elected the President shall declare the persons nominated to be duly elected, but whenever they are in such excess all the names proposed shall form a select list out of which such Committee shall be elected by ballot, such ballot shall be taken on the next day of sitting between the hours of 4.30 p.m. and 9 p.m. or on such other day and at such other time as Synod may appoint.

13. Whenever such a ballot is taken, the persons who shall be reported by the scrutineers appointed by the President to have the largest number of votes shall be declared by the President to be duly elected. Any voting paper containing more names than the number of vacancies to be filled shall be informal. Provided that if two or more shall have received an equal number of votes, rendering the issue of the election doubtful, the President shall thereupon give a casting vote.

14. Notice of motion may be given for adding to or substituting members of any select committee which may have been appointed, and such notice shall specify the names of such members. Notice of motion may also be given for discharging a select committee.

15. In select committees, three shall form a quorum.

16. Every select committee shall before proceeding to business elect a chairman, who shall prepare and sign the report of the Committee. The chairman shall have a deliberative vote only.

17. It shall be the duty of a member naming a select committee or proposing to add or substitute members thereon, to obtain previously the assent of the members whom he proposes to serve on such Committee.

18. Select Committees, unless specially appointed to report to the Synod then sitting, shall have power to sit during the recess and report to the Synod in the following session or to the Standing Committee between sessions.

19. Motions for appointment of Select Committees who are to report at the same session of Synod, shall become Orders of the Day, and take precedence of all other business.
20. The mover of the motion for the appointment of a select committee, if a member thereof, shall fix the time for the first meeting of the Committee; if the mover be not a member the President shall fix the time.

Petitions

21. Petitions may be in writing or in typescript and must conclude with the prayer of the petitioners, and be duly signed.

22. Petitions shall not be received which, in the opinion of the President, are disrespectful or couched in offensive language, or which have been altered by erasure or interlineation.

23. A Member presenting a petition must make himself acquainted with its contents, and affix his name at the beginning thereof, and shall state from whom it comes, its material allegations and its prayer, and may require that it be read by one of the Secretaries, and the only question which shall be entertained by the Synod on its presentation shall be “That the petition be received.”

Questions

24. (a) After the time for presenting petitions, questions may be put, upon notice, to the President relating to any motion or matter connected with the business of the Synod or any committee, board or commission of the synod or any committee, board or commission established by or under a canon or resolution of Synod.

(b) In putting any such question no statement of fact shall be made without leave of Synod and no argument or opinion shall be offered and no inference or imputation shall be made.

(c) A reply to a question shall be in writing and shall be recorded in the proceedings of Synod.

25. Every member shall stand while speaking and address the President.

26. The President may take part in debate without leaving the chair, and may vote on any question.

27. When the President rises in his place all other members shall be seated, and continue sitting until he resumes his seat.

28. All questions of order shall be decided by the President, and such decisions shall be final unless altered by a vote of the Synod forthwith. Any member may speak to a point of order.

29. The President shall confine each speaker to the subject matter of debate, and it shall not be in order for a member to interrupt a speaker except through the President. This Standing Order shall be applied to motions of adjournment.
30. (a) The President shall call to order any member who in his opinion is digressing from the subject matter of the question under discussion, or who shall make personal reflections on, or impute improper motives to, any member.

(b) If any member shall persist in such irrelevant remarks, or shall, in the judgment of the President, be guilty of disorderly conduct, the President may call upon him to make apology, whereupon if he refuse, he shall withdraw, and the Synod shall take his conduct into consideration and may suspend or otherwise deal with him as the Synod thinks fit.

31. (a) At any time during the debate any member may without notice and without debate ask “Whether in the opinion of the President the question should now be put?” whereupon, or of his own act, the President may inform the Synod that in his opinion the question has been sufficiently discussed.

(b) If after such expression of opinion by the President a motion be made “That the question be now put” the question on such motion shall then be put without further debate and if such motion be carried the President shall forthwith put the original question to the vote.

Provided that, whenever it is decided that any question shall be put the mover of the original motion shall have a right of reply.

32. At any time during debate two members of any House may hand to the President (or Chairman if the Synod be in Committee) a written request that it be ascertained whether or not their House desires an opportunity to consider the matter in debate separately. The President or chairman as the case may be shall as soon as may be convenient call upon one of the signatories to move that the matter be considered separately by his House upon which motion only members of the House concerned shall vote. If the motion be carried the President or chairman shall thereupon adjourn the debate until after the chairman of the House concerned shall have notified him that it has concluded its separate consideration or until a time fixed by the President which shall in his opinion be sufficient to provide an opportunity for separate consideration by the House concerned whichever shall first occur and thereupon the House concerned shall fix a time and place for its separate meeting. If the motion be rejected the debate shall continue.

Adjournment of debate

33. When an adjournment of a debate shall take place, it may be resolved that at the next sitting the debate thus adjourned shall take precedence of all or any of the motions and orders of the day.
Length of speeches

34.11 (a) On any motion that a bill be approved in principle or that such bill be passed, the mover shall speak for not more than fifteen minutes in support of the motion, and the seconder shall speak for not more than ten minutes and any other member speaking to the motion and the mover speaking in reply shall speak for not more than five minutes.12

(b) On any other motion, the mover shall speak for not more than 10 minutes in support of a motion, and the seconder shall speak for not more than 7 minutes and any other member speaking to the motion and the mover speaking in reply shall speak for not more than 4 minutes.

(c) The provisions of paragraph (b) shall not apply to the member representing a point of view different from that of the mover of a motion to which Standing Order 37B applies (a group discussion motion). In such case, the member shall speak for not more than 10 minutes.

(d) Except in Committee of the whole Synod, no member shall be allowed to speak more than once on the same question, except in explanation. Provided that the mover of any motion, other than a Motion for an amendment or a motion that the question be now put or the previous question, shall be allowed the right of reply, and after the reply the question shall be put forthwith.

Motion or amendment not seconded

35. Except in Committee no motion or amendment unless seconded shall be further discussed, nor shall any entry thereof be made in the minutes.

Motions - formally seconding

36. Any member formally seconding a motion shall not be thereby considered as having spoken to the question.

Motions - pursuant to Notice

37. Save as specially provided for in Standing Order No.8, no member shall bring any subject under consideration of the Synod or ask any question except in pursuance of a notice given in writing on a previous day.

Motions involving expenditure

37A.13 A notice of motion that will, if passed, result in expenditure from the funds available to the General Synod shall not be included on the order of business for a day in a session unless it sets out, or is accompanied by a paper setting out:

(a) the proposed source of funding; and

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11 New Rule substituted by Rule 2, 2010
12 Amended by Rule XXII (No. 1, 1969).
13 Added by Rule 5, 1992.
(b) an itemised statement of expected income and expenditure that will result from the passing of the motion, being, if the expenditure will continue for more than one year, the expected income and expenditure per year.

**Motions requiring group discussion**

37B. (a) Synod may by resolution declare that a motion (not being a motion for a Bill for a Canon or that such Bill be passed) requires group discussion.

(b) When such a motion has been moved and spoken to by the mover and formally seconded, then:

(i) one member representing a point of view different from that of the mover, shall be invited by the President to speak;

(ii) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the motion, and any member may then ask any such question or questions which may immediately be answered by the mover or other previous speaker;

(iii) further questions may be asked and answered until the President announces the time for questions has finished;

(iv) the Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.

**Motions - without Notice**

38. A motion, however, may be made or a question may be asked without previous notice by leave of the majority of the members then present.

**Motions - Lapsed**

39. Motions shall be taken in the order in which they stand, and if not then made, unless postponed by leave of the Synod, shall be considered as having lapsed.

**Motions - put by the President**

40. When a motion has been made and seconded, a question thereupon shall be proposed by the President, and at any time before the close of the debate any member may move an amendment.
Amendments

41.17 No amendment (except of a grammatical or editorial nature) shall be put from the chair unless it be seconded and a copy thereof shall have been handed to the President and the Secretaries of Synod (unless the procedure set out in Standing Order 42A is followed).

42.18 (a) An amendment may be proposed by omitting certain words, omitting certain words in order to insert or add other words, or by inserting or adding words.

(b) The President shall put the question “That the amendment be agreed to”, or such other question or questions as in his opinion will most conveniently determine whether the Synod agrees to the amendment.

(c) An amendment may be proposed to a proposed amendment as if such proposed amendment were an original question.

(d) An amendment proposed shall be disposed of before another amendment to the original question can be moved.

(e) When amendments have been made, the main question shall be put as amended.

42A.19(a) A member proposing an amendment should notify the General Secretary in writing (which may be by facsimile or email) prior to 5pm on the third business day prior to the commencement of the session of Synod.

(b) A member proposing an amendment after the commencement of the Synod must provide it in writing in duplicate and deliver it to a secretary of the Synod.

(c) Any proposed amendment (other than one given under paragraph 42A(a)) received by the secretaries prior to 7.30pm on the first or any subsequent day of sitting must be incorporated in the amendment sheet to be circulated on the next day of sitting.

(d) After considering a proposed amendment and conferring with the proposer, the mover of the relevant motion must, as soon as practicable, notify the secretaries whether the amendment is acceptable to the mover or whether it is not, and whether in the mover’s opinion any consequential redrafting is required. Where appropriate, a fresh text should be made available to the secretaries together with an electronic copy of that text.

(e) After conferring with the mover, a member proposing an amendment who decides not to proceed with that amendment must, as soon as practicable, notify the secretaries of Synod of that fact.
(f) The secretaries must, in respect of any notification under this Standing Order received by them prior to 7.30pm on the first or any subsequent day of sitting, notate the amendment sheet to be circulated on the next day of sitting in respect of any proposed amendment with the words “accepted by the mover”, “withdrawn”, “to be replaced by ….”, or otherwise as appropriate to inform members of Synod of the status of any proposed amendment.

(g) If the mover of a motion accepts any proposed amendment the mover may, with the leave of Synod, move the motion in that amended form incorporating any consequential amendments.

(h) The provisions of this Standing Order are subject to an over-riding discretion in the President or the Chairman to put to the Synod or the Committee any other procedure which will best work for the efficient dispatch of the business of the Synod.

(i) Nothing in this Standing Order 42A limits the operation of Standing Order 40.

Previous question

43. When it is desired to avoid or postpone a decision on any question, it shall be competent for any member to move the previous question.

When the previous question is moved it shall not stop debate which shall continue, but no amendment may be moved until the previous question has been disposed of by the Synod.

The previous question shall be put by the President - “That the motion be not put.”

The previous question shall not be moved in Committee.

Question may be superseded

44. A Question may be superseded -

(1) By the adjournment of the Synod on the motion of a member “That the Synod do now adjourn.”

(2) By the previous question, viz., “That the motion be not put,” being proposed and affirmed.

Motions - how resolved

45. Unless a vote by Houses is requested in accordance with section 15 of the Constitution a question shall be resolved by the majority of the voices “Aye” or “No”, or by a show of hands, and the President shall state which side has the majority; but on demand being made by five members a division shall take place.
Vote by Houses

46.  (a) A vote by Houses may be required on demand by not less than five members of the House of Bishops or by ten members of the House of Clergy or by ten members of the House of Laity.

(b) In the event of a vote by Houses being required all questions shall be put by the President or Chairman or presiding member first to the House of Laity and then to the House of Clergy and finally to the House of Bishops and no question shall be deemed to be resolved in the affirmative by Synod unless it be so resolved by a vote of the majority of those present in each of the three houses.

(c) Any two members of the House of Bishops or any ten members of the House of Clergy or the House of Laity may demand a ballot in their house. Such ballot shall be conducted in that house in accordance with the requirements of Standing Order 46A.20

46A.21(a) A question shall be decided by ballot if -

(i) the President so determines; or

(ii) a majority of the Synod voting as a whole on a motion “That the question be decided by ballot” so decides.

(b) A motion referred to in paragraph (a)(ii) may be moved without notice at any time prior to the question being put.

(c) A ballot shall be conducted in the following manner:

(i) A single piece of paper of one colour for members of the House of Laity, of a different colour for members of the House of Clergy and of a different colour for members of the House of Bishops shall be handed to each member of the Synod present by such person or persons or in such manner as the President shall direct;

(ii) No member who has received a ballot paper may leave the Synod until directed by the President;

(iii) When the President is satisfied that all ballot papers have been distributed, he shall direct that no member may enter the Synod until allowed by the President;

(iv) A member voting in favour of the motion shall write “Yes” on the paper and a member voting against the motion shall write “No” on the paper. A paper which contains neither “Yes” nor “No” shall be treated as informal and shall not be counted for or against;

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20 Amended by Rule 2, 1995.
21 Added by Rule 2, 1995.
(v) All ballot papers distributed shall be returned in such manner as the President shall direct, and when satisfied that all papers have been returned the President may direct that members may enter or leave the Synod;

(vi) The President shall appoint tellers who shall forthwith count the votes, if necessary in houses, for and against and any informal votes, and one of the tellers shall inform the President of the result which shall be announced by the President.

Motions - withdrawal of

47. Any motion may be withdrawn by the mover unless ten members object.

Motions previously dealt with, etc.

48. No subject which shall have been under the consideration of the Synod and disposed of, shall be again brought forward during the session.

49. No question shall be entertained which in the opinion of the President is substantially the same as one which has been resolved during the same session.

Count out

50. If at any time during the progress of business, on any member moving that the Synod be counted, there be not a quorum, the President shall adjourn the Synod until the next time of sitting.

51. A debate interrupted by such counting out shall at the next time of sitting be resumed at the point where it was interrupted.

Adjourment of Synod, or debate

52. A Motion for adjournment of either the Synod, or the debate, may be made at any time; provided that no member shall be interrupted thereby while speaking.

Motions - members to conclude with

53. When no question is before the Synod, no member shall be at liberty to speak unless he intends to conclude by making a motion; and any member desiring to submit a motion of which notice has not been given, shall, when called upon by the President, forthwith state what motion he intends to make.

Divisions

54. When a division is demanded whether Synod be voting together or by Houses, the President or the Chairman if the Synod be in Committee shall put the question, and, after the lapse of two minutes, shall direct the members then present to divide, the
“Ayes” to the right, the “Noes” to the left of the chair, and shall appoint two tellers from each side, and shall declare the number of votes on each side from a count of the members voting to be given him by the tellers. The President or Chairman shall declare the question carried or lost as the case may be. Where the Synod is voting together a majority will carry the question unless a special majority is required by the Constitution.

55. Members may leave or enter the Synod during the two minutes which elapse before the division, but after the President commences to direct the members to divide, no member shall leave or enter the Synod until the division is concluded; and after the appointment of tellers no member, except the tellers, shall change his place from one side of the chair to the other.

Standing Orders - Suspension of

56. Any Standing Order of the Synod may at any time be suspended on motion with notice. Any Standing Order may also be suspended on motion without notice, unless ten members object.

Committee of the whole - Quorum

57. In Committee of the whole Synod, the same number of members shall form a quorum as in the Synod itself.

58. If, during the progress of business in Committee, notice be taken that there is not a quorum, the Chairman shall leave the chair and report the same.

59. A Motion made in Committee need not be seconded.

Adjournment of Committee

60. A Motion of adjournment of Committee shall be “That the Chairman leave the chair, report progress, and ask leave to sit again.” On such motion being carried the Chairman shall report to the Synod and ask leave accordingly.

Standing Orders to apply in Committee

61. The Standing Orders shall, so far as applicable, be observed in Committee, and the Chairman shall have the same authority as the President.

Absence of Chairman of Committees

62. In the case of absence of the Chair, or by arrangement between the Chair and a Deputy Chair, a Deputy Chair shall act. In the case of the absence, inability or unwillingness to act of all the Deputy Chairs, a member whom the Committee shall appoint shall act.

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22 Amended by Rule 1, 2004
23 Replaced by Rule 1, 2004 and further replaced by Rule 01, 2007
Bills to make Canons

63. (1) In this Standing Order, unless the contrary intention appears:

“Bill” means a bill for a canon and, in relation to a canon, means the bill for that canon;

“Group Discussion Bill” means a bill which has been declared by the Synod under Standing Order 37B to require group discussion;

“Clause”, in relation to a bill, includes a Schedule to the bill;

“Committee” means the Committee of the whole Synod.

(2) A canon of the Synod shall be made, subject to this Order, by:

(a) the Synod agreeing to a motion that the bill be approved in principle;
(b) the committee then considering the bill in detail and agreeing to it either with or without amendment; and
(c) the Synod agreeing to a motion that the bill do now pass.

(3) A motion that a bill be approved in principle shall not be included in the agenda:

(a) unless the provisions of paragraph 27(1)(i) of the Constitution as to notice have been complied with or Synod has, in accordance with that paragraph, declared the bill to be a matter of urgency; and
(b) if Standing Order 37A applies to the motion, unless the financial information required by that Standing Order has been provided.

(4) At the time of moving a motion that a bill be approved in principle the mover may seek the leave of the Synod to introduce the bill with amendments to the bill as circulated to each diocese. If such leave is given the bill as so introduced shall be the bill to be debated.

(5) When a motion that a bill (other than a Group Discussion Bill) be approved in principle has been moved and spoken to by the mover and seconded, the President shall ask if any member or members wish to ask the mover or seconder any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such question which may thereupon be answered by the mover or seconder. Further such questions may be asked and answered until the President announces that the debate shall proceed.

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25 Definition added by Rule 1, 2004
26 Amended by Rule 1, 2004
(5A)27 When a motion that a Group Discussion Bill be approved in principle has been moved and spoken to by the mover and formally seconded, then:

(a) one member representing a point of view different from that of the mover shall be invited by the President to speak;

(b) the President shall ask if any member or members wish to ask the mover or other previous speaker any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such question or questions which may immediately be answered by the mover or other previous speaker;

(c) further questions may be asked and answered until the President announces that the time for questions has finished;

(d) The Synod shall resolve itself into discussion groups until the President announces that the debate shall proceed.

(6)28 A person who has asked or answered a question during the period referred to in paragraph (5) or paragraph (5A) shall not, for the purpose of the ensuing debate, be deemed to have spoken on the motion by virtue only of having asked or answered such question.

(7) After the President shall have announced that the debate shall proceed, the general principle of the bill shall be debated.

(8) If the motion that the bill be approved in principle be decided in the negative the bill shall lapse.

(9) When the Synod has agreed to a motion that a bill be approved in principle, the President shall ask if any member wishes to debate the bill in Committee.

(10) If any member shall answer “Yes” then the Synod shall, without motion being moved, forthwith be deemed to have resolved itself into Committee to consider the bill in detail, unless the Synod resolves that consideration of the bill by the Committee be an order of the day for another time.

(11) If no member shall answer "Yes", the motion that the bill do now pass may be moved forthwith without notice or may be made an order of the day for another time.

(12) If a bill is considered in Committee, the Chairman may allow the bill to be considered:

(a) as a whole;

(b) clause by clause;

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27 Section added by Rule 1, 2004
28 Amended by Rule 1, 2004
(c) by groups of clauses or by groups of clauses and single clauses; or
(d) in a manner which, in his opinion, the Chairman considers will best facilitate consideration of the amendments of the bill that are to be proposed.

(13) In Committee if the bill is not taken as a whole:

(a) the title and preamble (if any) are postponed until after the clauses have been agreed to; and
(b) the question shall be put by the Chairman in respect of each clause or each group of clauses, as the case requires, that it be agreed to; and
(c) when the clauses have all been agreed to either with or without amendment, the question shall be put, first in respect of the preamble (if any) then in respect of the title, that it be agreed to.

(14) Upon the Committee completing its consideration of a bill:

(a) the Synod shall be deemed to be reconvened and the Chairman shall report to the President the bill as agreed by the Committee;
(b) the President shall, without a motion being moved, put to the Synod the question ‘that the report be agreed to’: which question shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.

(15) When the question that the report of the Chairman be agreed to has been put to and passed by Synod, the motion that the bill do now pass may be moved forthwith without notice or made an order of the day for another time.

(16) When a bill has been considered in Committee, a motion that the bill do now pass shall not be moved unless and until the Chairman has, by certificate endorsed on a copy of the bill, certified that the copy is a true copy of the bill as agreed to by the Committee, unless the President determines otherwise. The President may only determine otherwise if there have been no amendments to the bill, or if all amendments in committee are of a grammatical or editorial nature.

(17) A motion that a bill do now pass shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.

(18) If a bill, or a clause of a bill, is recommitted to the Committee:

(a) the Synod shall, without a motion being moved, forthwith be deemed to have resolved itself into Committee to consider the proposed amendment;

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29 Amended by Rule 1, 2001 and further amended by Rule 1, 2004

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(b) the procedure in Committee shall, as nearly as practicable, be the same as the procedure following the passing of the motion that the bill be approved in principle except that the Committee shall consider only amendments relating to the purpose of its recommittal; and

(c) the procedure following completion of the consideration of the bill in Committee shall, as nearly as practicable, be the same as that following completion of consideration of the bill in Committee in the first instance.

(19) If the motion that the bill do now pass is agreed to, then:

(a) if the bill was not considered in Committee, the bill as introduced shall be a Canon duly passed; and

(b) if the bill was considered in Committee the bill as certified by the Chairman shall be a Canon duly passed.

Thereupon, or at some later time, the President may appoint when the canon shall come into force in accordance with the requirements of section 30 of the Constitution.

(20) The clerical secretary and the lay secretary shall certify on a copy of the canon that it is a copy of the canon as passed and the date of its passing.

(21) A motion making the consideration of a bill an order of the day may be moved without notice.

(22) A motion that a bill be approved in principle may be moved by the member of Synod who gave the notice or, by leave of Synod, any other member.

(23) Amendments of a grammatical or editorial nature, or to alter the numbering of sections, subsections and paragraphs or subparagraphs or cross-references in consequence of an amendment made to a bill, may be made, and clerical or typographical errors may be corrected in any part of a bill by the Chairman of Committees or, in the case of a bill which has not been considered in Committee, by the clerical secretary and the lay secretary without any motion being agreed to.

63A.& 63B.\textsuperscript{30}

**Special Bills**

64.\textsuperscript{31} (1) A bill that is a special bill under subsection 28(1) of the Constitution, or is to be dealt with as a special bill under subsection 28(2) of the Constitution, shall be considered as provided in Standing Order 63 subject to the qualifications set out in subsection 28(c) of the Constitution and in this Standing Order.

\textsuperscript{30} 63A & 63B deleted by Rule 1, 1995.

\textsuperscript{31} Replaced by Rule 1, 1995.
(2) A motion that a bill need not proceed as a special bill may be moved without notice and shall be put immediately before or after the motion that the bill do now pass is moved.

(3) A petition under subsection 28(2) of the Constitution in respect of a bill must be presented to the President before the motion that the bill do now pass is moved and the President shall put the motion that the bill be treated as a special bill immediately before the motion that the bill do now pass is moved.

(4) Where the reports and recommendations received from diocesan synods in respect of a provisional canon have been presented to the Synod:
   (a) copies of the provisional canon shall be circulated to members;
   (b) any member may give notice of a motion that the provisional canon be approved in principle; and
   (c) the provisions of Standing Order 63 (other than Standing Order 63(3)) and the preceding provisions of this Standing Order apply as if the provisional canon were a bill for a canon.

**Alterations of the Constitution**

65.  

(1) A bill for a canon to alter the Constitution shall be made, subject to this Order, by
   (a) the Synod agreeing to a motion that the bill be approved in principle;
   (b) the Committee considering the bill in detail and agreeing to it either with or without amendment;
   (c) the Synod agreeing to a motion that the bill do now pass; and
   (d) the relevant conditions of section 67 of the Constitution being complied with in respect of the bill.

(2) The provisions of Standing Orders 63(1) and (3) to (23), inclusive, apply to a bill for a canon to alter the Constitution in like manner as they apply to a bill for any other canon.

(3) If section 67 requires a bill for a canon to amend the constitution to be passed by a majority of dioceses, assents being determined by the votes of the representatives of the dioceses:
   (a) the votes on a relevant motion shall be cast in writing indicating whether members vote for or against the motion or abstain from voting;
   (b) the votes shall be counted by scrutineers appointed by the President;

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(c) the scrutineers shall inform the President of the results of the voting; and

(d) upon a vote being taken, further consideration of the bill stands adjourned, without motion being moved, until called on by the President as soon as practicable after he has been informed of the result of the vote.

Rules
66.33 (1) A rule shall be made by resolution.

(2) The proposed rule shall be circulated to each diocese at least two months before the first day of the session of Synod at which the resolution is to be presented provided that the Standing Committee may allow a shorter period of notice and provided further that Synod by an affirmative vote of three-fourths of the members present may declare any resolution to be a matter of urgency and permit it to be included in the agenda without further notice.

(3) The provisions of Standing Order 63 (other than Standing Orders 63(3), (19) and (20)) apply to a proposed rule as if any reference therein to a bill were a reference to a proposed rule.

(4) If the motion that the proposed rule do now pass is agreed to, then

(a) if the proposed rule was not considered in Committee, the proposed rule as introduced shall be a rule; and

(b) if the proposed rule was considered in Committee, the proposed rule as certified by the Chairman shall be a rule.

Parliamentary Practice
67.34 In all cases not herein provided for, resort shall be had to the rules, forms and practice of the House of Representatives of the Parliament of the Commonwealth of Australia, so far as they can be applied.

33 Added by Rule 1, 1995
34 Previously numbered 65 - renumbered by Rule 1, 1995.
II. Rules for the Appointment of a Standing Committee of General Synod & Defining its Powers & Duties

1. At every ordinary session of the Synod a Standing Committee shall be appointed, the members of which shall continue in office until the appointment of their successors.

2. The Standing Committee shall consist of:-

   The Primate, who shall be the President;
   The Metropolitans of the Provinces including any bishop exercising the authorities, powers, rights and duties of a metropolitan as provided in the Constitution;
   The Chairman of Committees for the time being of the Synod;
   The Secretaries for the time being of the Synod;
   Three Bishops to be elected by the House of Bishops;
   Nine members of the House of Clergy to be elected by the House of Clergy;
   Nine members of the House of Laity to be elected by the House of Laity;
   Two persons nominated by the National Aboriginal and Torres Strait Islander Anglican Council, being one Aboriginal person and one Torres Strait Islander person, who are members of Synod;
   The General Secretary for the time being of the Synod.

2A. If the Primate is absent from a meeting of Standing Committee, the members present shall elect one of their number to preside at the meeting.

(2) The person presiding at a meeting of Standing Committee may, at any time, during the meeting call upon a member present to preside, temporarily, at the meeting.

3. If between sessions of Synod a vacancy should happen among the elected members, that is to say by death, resignation in writing to the Primate, or in the case of a member elected by the House of Clergy, election to the House of Bishops, the vacancy shall be filled by election by the Standing Committee.

If the Chairman of Committees or a Secretary of Synod should between sessions of Synod resign his or her office he or she shall cease to be a member of Standing Committee and the vacancy shall not be filled.

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35 Amended by Rule 02, 2007
36 Amended by Rule II, 1966.
37 Added by Rule XXVI (1, 1981).
38 Added by Rule XXIX (1, 1989).
40 A person must be a member of General Synod at the time of his or her election or appointment to the Standing Committee, but shall not cease to be a member of the Standing Committee by reason only of ceasing to be a member of General Synod.

4.41 The Primate shall summon meetings of the Standing Committee at such places as he may determine by giving one month’s notice to the members and at such times as follows:-

(a) Within six months of the close of an ordinary session of Synod.

(b) Not more than nine nor less than six months prior to the holding of an ordinary session of Synod.

(c) Upon receiving a written request from not less than ten members of the Standing Committee.

(d) At such times in addition to the above as he may deem advisable.

Provided however that the giving of one month’s notice shall not be required where the Primate either before or during a session of Synod summons a meeting of the Standing Committee to occur immediately before, during or immediately following that session.42

(2) A quorum of the Standing Committee consists of one half the total number of the members (ignoring any fraction resulting from the division) plus one.

(3) Subject to sub-section (2) the Standing Committee may act notwithstanding vacancies in its membership or a defect in appointment of a member.

(4) A decision carried by a majority of the votes cast by the members present at a meeting is a decision of the Standing Committee.

(5) Each member present at a meeting of the Standing Committee has one vote on a matter arising for decision and, if the votes are equal, the decision is not carried.

(6) A telephone or video conference between members will, for the purposes of this section, be taken to be a meeting of the Standing Committee at which the participating members are present.

(7) A proposed resolution of the Standing Committee becomes a valid decision of the Standing Committee despite the fact that it is not voted on at a meeting of the Standing Committee if:

(a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Standing Committee; and

40 Added by Rule 1, 1998
41 Amended & Sub-sections 4(2) – (7) added by Rule 02, 2007.
42 Proviso added by Rule 6, 1992.
(b) at least three-quarters of the members express their concurrence in the proposed resolution by letter, email, facsimile transmission or other written communication setting out the terms of the resolution."

5. It shall be the duty of the Standing Committee:-

(a) To act as advisers to the Primate in all such matters as he may refer to them arising out of the rules and canons of Synod or affecting the general welfare of the Anglican Church of Australia.

(b) To make arrangements for the sessions of the Synod, and to prepare the business to be brought before the Synod.

(c) To propose such business as may appear to the Committee to be necessary or desirable to be brought before the Synod.

(d) To print a report of the proceedings of the Synod from time to time, and all documents ordered by the Synod to be printed.

(e) To apportion among the dioceses on an equitable basis the necessary working expenses of the Synod and of the Standing Committee and other expenses specially authorised by the Synod; to collect such apportionments, and therewith to defray the expenses aforesaid.

(f) To make elections to vacant offices as the Synod shall from time to time determine.

(g) To consider and report upon any matter which the Synod may from time to time refer to it and to carry out or assist in carrying out the resolutions passed by the Synod.

(h) To communicate the canons of the Synod to the dioceses, and conduct such correspondence as may be necessary for the forwarding of the work of the Synod.

(i) To procure and have in custody all requisite documents and funds in connection with the proceedings of the Synod.

(j) To consider such matters as by the Constitution it is directed to consider and to advise the President of Synod thereon.

(k) By resolution to request the Primate to convene a special session of Synod under Sec. 23b of the Constitution.

(l) To attend to all such other business as the Synod may from time to time refer to it.
(m) To present a report of its proceedings including an audited statement of receipts and expenditure to the Synod at every ordinary session thereof and an interim report of its proceedings annually to all members of Synod through the diocesan bishops.

(n) To invest and deal with the moneys of the General Synod not immediately required in such manner as the Standing Committee may from time to time determine.

6. The Standing Committee is hereby authorised:-

(a) To appoint a Secretary and a Treasurer who need not be members of the Committee and an Auditor who shall not be a member of the Committee.

(b) To delegate any portion of its powers and duties to committees with obligation to report to the Standing Committee, but the powers so delegated shall be strictly defined and be revocable by the Standing Committee at pleasure.

(c) To deliberate and confer upon all matters affecting the interests of the Anglican Church of Australia and cognisable by the Synod.

(d) To communicate with the civil powers and all such bodies and persons as it shall consider necessary, to present petitions and addresses to all such bodies and persons, and take such action with reference to national issues and public functions as it should consider desirable, to confer with or co-operate with other Christian bodies on such subjects and at such times as it may think fit - provided that any such action taken by the Standing Committee under this sub-section and not previously sanctioned by the Synod shall be reported to the Synod at its next meeting.

(e) To obtain such expert opinion as it may seem desirable upon the legal and constitutional validity of rules and canons made by or proposed to be brought before the Synod.

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43 Clause (n) added by Rule 3, 1995.
III. Rules for the Conduct of Elections
Ordered to be Made by the General Synod

(NATIONAL REGISTER CHECKS)\(^{44}\)

Interpretations

1. In these rules

   “Acknowledgment”\(^{45}\) means the acknowledgment of the candidate that the General Secretary will disclose whether there is any, and if so what, Information in the National Register relating to the candidate to the house of the General Synod entitled to vote or the members of the General Synod as the case may be.

   “Candidate” means any person duly nominated for election to any office under rules, regulations and canons of the Synod.

   “Secretaries of Synod” means the persons holding such office for the time being under Standing Order 7(c) of the Synod, and includes any person or persons appointed by the President to act for the said secretaries.

   “Voter” means any member of Synod exercising his right to vote in any election by the whole Synod or by any portion thereof.

Elections governed by these rules

2. Where it has been or shall hereafter be determined by any canon or resolution of Synod that an election of any person or persons to any office shall be made by Synod or by any house or by any portion of such Synod the election shall unless otherwise provided by such canon or resolution be conducted as hereinafter provided.

   Nevertheless in the case of any election required under Standing Orders 7(c), 12, 13, 14, the Synod may by resolution determine the procedure for such election.

Time of elections

3.\(^{46}\) The Primate in the summons convening the Synod or otherwise shall specify the elections to be made in the session of the Synod so convened, and shall appoint a day not earlier than:

   (a) the fourth day of the session for the holding of any election for the Appellate Tribunal and the panel of persons from which the members of the Special Tribunal are appointed; and

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\(^{44}\) Amended by Rule 4, 2010

\(^{45}\) Further amended by Rule 4, 2010

\(^{46}\) Amended by Rule 4, 2010

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(b) the third day of the session for the holding of any other elections and shall name the place of election, and the time (not being less than four hours) within which any such election shall take place and the said election shall take place upon the day and at the place and within the time so appointed, provided that Synod may by resolution name some different time, being not less than four hours, within which any such election shall take place.

**Synod may declare election emergent**

4. Where, after the issue of the Primate's summons convening Synod, necessity for any election has arisen, or if any notice of election should have been omitted from such summons, it shall be competent for the Synod at any time during the session by resolution to declare any such election to be an “emergent” election, and the President shall thereupon appoint a time and a place for receiving nominations for such emergent election, and also a time for the holding of such election.

In all other respects such emergent election shall be conducted as far as practicable in conformity with the provisions of these rules.

5. (a) Any two members of Synod may nominate in writing any person or persons duly qualified for election to any office (but not exceeding the number of persons required to be elected to such office), and the consent of every person so nominated shall be endorsed thereon or if an endorsement cannot reasonably be obtained certified in writing by one of the nominators. Provided that where elections to an office are to be made by the members of any house or portion of Synod nominations as aforesaid shall be made only by members of that house or portion.

(a1) In respect of an election for the Appellate Tribunal and the panel of persons from which the members of the Special Tribunal are appointed the nomination shall contain:

(i) the full name;
(ii) any former name;
(iii) the date of birth; and
(iv) the acknowledgment of the person so nominated or if an acknowledgment cannot be obtained the certification in writing by one of the nominators that the person has given their acknowledgment.

(b) Every nomination shall be delivered to the secretaries of Synod or to the secretary of the house or portion as the case may be, or to such other person

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47 Inserted by Rule 4, 2010

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or persons as the President may from time to time appoint, before the hour of
nine o'clock in the evening of the second day of the session unless the Synod
otherwise resolves, and no nomination shall be valid unless this procedure shall
have been complied with.

Names to be exhibited

6. (a) When nominations shall have closed, the Secretaries of Synod shall cause to
be prepared lists of all persons so nominated, and the offices to which they
are nominated, and shall cause such lists to be exhibited conspicuously in the
Synod Hall up till and during the time of election.

(a1) In respect of nominations for the Appellate Tribunal and the Special Tribunal:

(i) The General Secretary shall have access to the National Register
and disclose to the Secretaries whether or not there is any
Information in the National Register relating to each person so
ominated, and if so, what is the Information;

(ii) The Secretaries shall cause the lists of all persons so nominated to
include the information received from the General Secretary.

(b) Any person so nominated may, by notice in writing, addressed to the Secretaries,
withdraw his consent to his nomination at any time prior to the exhibition of
the lists as aforesaid, and thereupon his nomination shall be withdrawn and his
name omitted from the list of persons nominated.

Election without ballot

7. Where the number of persons nominated for any office does not exceed or is less than
the number of persons required to be elected, the President shall declare the persons
so nominated duly elected, and any additional number of persons still required to be
elected shall be elected in the manner hereinafter provided.

Ballot papers

8. Where the number of persons nominated for any election exceeds the number
required to be elected, the Secretaries shall cause ballot papers to be printed or
otherwise prepared in the form or to the effect of the schedule hereto.

Appointment of scrutineers

9. Where any ballot for any election becomes necessary, the President shall appoint two
or more scrutineers for each election whose duty shall be to count the votes recorded
at any such ballot, and to report in writing the result to the President as hereinafter
provided.

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48 Inserted by Rule 4, 2010
Rules for voting

10. (a) The voter shall mark a cross opposite the name of each candidate appearing on the ballot paper for whom he desires to vote.

(b) Each voter shall vote for not more than the number of candidates required to be elected.

Invalid ballot papers

11. The Scrutineers shall reject as informal ballot papers:

(a) not initialled by the Secretaries or their deputies, or

(b) recording votes for a greater number of candidates than the number required to be elected; or

(c) not marked in accordance with the provisions of these rules.

Method of taking ballot

12. On the day and at the place appointed for the holding of any election, every member of Synod present at the session of the Synod, and being entitled to vote at any particular election, may on personal application to the Secretaries or their deputies receive a ballot paper for such election, and the Secretaries or their deputies shall before issuing any such ballot paper, initial the same, and shall keep a record of every person to whom any such ballot paper has been issued, and every such person shall thereupon be deemed to have voted, and shall not be entitled to receive any other ballot paper in respect of any such election unless and until the ballot paper already issued to him shall have been returned to the Secretaries or their deputies, in a spoilt condition in which case the Secretaries or their deputies shall destroy the ballot paper first issued to such person, and shall thereupon deliver to him a fresh ballot paper in its stead.

Recording votes

13. Every voter having received any ballot paper as aforesaid shall mark his vote on such ballot paper in the manner hereinbefore provided without leaving the room set apart for the election and shall forthwith deposit the same in a ballot-box provided for the purpose by the Secretaries, and shall thereupon retire from the said room.

Scrutineers’ report

14. At the close of any ballot the scrutineers shall proceed to count the votes recorded for each candidate, and shall with the least possible delay, report the result of such ballot to the President, in the manner hereinafter provided.
List to be prepared

15. In reporting the result of any ballot the scrutineers shall, in all cases, prepare and certify a list containing the names of the candidates and the number of votes recorded for every candidate.

Equality of votes

16. Where at any election two or more candidates have received an equal number of votes the scrutineers shall report the result to the President, who shall thereupon give his casting vote.

Announcement of result

17. As soon as practicable after receipt of the report of the result of any ballot, the President shall announce the names of the elected candidates to the Synod, and shall thereupon cause to be delivered to the Secretaries such report, together with the list hereinbefore mentioned and the Secretaries shall file and keep such list in the records of the Synod. The list referred to in Rule 15 shall be displayed in the Synod meeting room during the remainder of the session of the Synod and published with the Proceedings of Synod.

Custody and disposal of ballot papers

18. (a) After every election, the Scrutineers shall deliver to the Secretaries all ballot papers used at any election (including all those ballot papers which have been rejected), and the Secretaries shall as soon as practicable place in separate sealed packets all such ballot papers, and shall safely keep the same in their custody until required by “The Committee of Elections and Qualifications”, or until they are destroyed as hereinafter provided.

(b) If the ballot papers be not applied for or required by “The Committee of Elections and Qualifications” within fourteen days following the day of the holding of any election, the Secretaries shall then forthwith cause all packets containing all used and rejected ballot papers to be destroyed by fire, without the said packets being unsealed.

Continuance in office until election of successors

19. Where any election directed by any canon or resolution of the Synod to be held has not been so held the persons who at the time being are holding such office shall continue to hold the same until their successors shall have been appointed.

Certain vacancies to be filled by the Standing Committee

20. Where the number of persons declared by the President duly elected to any office under rule 7 hereof is less than the number required for such office or where the

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49 Amended by Rule 5, 2010
50 Amended by Rule 5, 2010
election of any person is reported under the next succeeding rule as invalid any vacancy or vacancies remaining shall be filled by the Standing Committee at its first meeting following the session of Synod at which such declaration of election or report of validity of election was made. Where there are more nominations than vacancies for an election to be filled by the Standing Committee, then the names of all candidates and the number of votes recorded for each candidate shall be reported to the next session of the Synod in the Standing Committee Report.

Validity of elections

21. All matters affecting the validity of any election held or of any vote taken under these rules shall be referred to “The Committee of Elections and Qualifications” appointed under Standing Order No. 7. The committee shall report thereon to Synod if it is in session and if not to the Standing Committee.

Provided that no question as to the validity of any election or of any vote taken shall be raised unless so raised within seven days of the holding of such election or of the declaration of the result thereof.

SCHEDULE

Election for .............................................................................................................................................
...............................................................................................................................................................Bishops to be elected.
...............................................................................................................................................................Clerks in Holy Orders to be elected.
...............................................................................................................................................................Laymen to be elected.

Instructions to voters

The voter:

(a) is to mark a cross against the name of each candidate for whom he desires to vote, and

(b) Must vote for not more than the number of candidates required to be elected.

List of candidates

<table>
<thead>
<tr>
<th>Mark cross here</th>
<th>Names printed in alphabetical order of Surname</th>
</tr>
</thead>
</table>

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IV. Rules for Elections under Section 22 of the Constitution

1. Each house shall meet separately for the purpose of electing its officers and by resolution may determine what officers other than a chairman shall be elected.

2. Any two members of a house may in writing nominate any other member as chairman.

3. Nominations shall be handed to the chairman of the meeting. If more than one person is nominated for the office he shall cause the names of such persons to be made into a list alphabetically arranged in the form of a ballot paper to be handed to each member present and shall appoint two members of the house to act as scrutineers.

4. Every member voting shall mark with a cross the name of one person for whom he votes. The chairman of the meeting shall have a casting but not a deliberative vote. The person who obtains an absolute majority shall be declared elected to the office.

5. If no person should obtain an absolute majority the names of the two persons who obtain the largest number of votes shall then be re-submitted to a vote, which may be taken by a show of hands or by ballot as the house may determine.

6. If on the final ballot or vote two persons should obtain an equal number of votes the chairman of the meeting shall have a casting vote.

7. The person so elected as chairman shall then take the chair and proceed with the election of the other officers required by the house in the order determined by him. Nominations shall be made, ballot papers shall be arranged, the first ballot shall be taken and any subsequent voting shall be made and conducted in like manner as on the election of Chairman.
V. Rule Re: Statement Made under Section 4 of the Constitution

1. A statement of the Church as to faith ritual ceremonial or discipline shall be made only after it has been considered by Synod and is passed as a resolution or is contained in a canon of such Synod. The following procedural steps in relation to a proposed resolution shall be taken:

   (i) The proposed statement shall, three calendar months before the first day of the session of Synod, be lodged in print or typescript in the Registry of the Primate; within fourteen days thereafter the Primate shall cause a number of copies thereof to be posted to each diocesan bishop sufficient to enable him to send a copy to each of the clerical and lay members of Synod representing his diocese.

   (ii) When the resolution is before the Synod it may appoint a select committee to examine and report upon it and fix the time for the report to be lodged with the Primate.

   (iii) Upon resumption of the consideration of the statement the report shall be laid upon the table and at the discretion of the Primate may be printed or otherwise copied and circulated to members of Synod.

   (iv) If such a statement is made by resolution a copy of the resolution certified by the secretaries of Synod shall be lodged in the Registry of the Primate and a copy so certified shall be sent by certified mail to the registry of each diocesan bishop and shall be otherwise published as Synod may direct.
VI. RULE RE: DEVIATIONS UNDER SECTION 4 OF THE CONSTITUTION

1. A request submitted by the incumbent and churchwardens of a parish to the bishop of the diocese for permission to make a deviation or deviations from the existing Order of Service not contravening any principle of doctrine or worship of this Church shall be in writing signed by the incumbent and churchwardens.

2. Such request shall be accompanied by a certificate signed by the incumbent and churchwardens that the requirements of the last proviso of section 4 of the Constitution beginning with the words “Provided also” have been complied with and such request and certificate shall be in or to the effect of the following form:

A request for permission to make a deviation or deviations from the existing Order of Service.

To the Most Reverend ...................... Archbishop of ................. or the Right Reverend ...................... Bishop of ................. (as the case may be);

We the Incumbent and Churchwardens of the Church of ...................... in the Parish of .................................. do certify that a meeting of parishioners was duly convened by writing placed in a prominent position at each entrance to the said Church and by an announcement at the morning and evening services (or service as the case may be) in the said Church on two Sundays namely the ................. days of ................. being not less than two Sundays before such meeting stating that a meeting would be held at .......... o’clock on the ...... day of ................. at ................. and giving full particulars of the nature of the proposed deviation or deviations (as the case may be) from the existing Order of Service and that the said meeting was duly held and that the said deviations hereto annexed and signed by us for the purpose of identification were assented to by a majority of the said parishioners then present and voting.
Dated the ................................ day of ................................

Incumbent                               Churchwardens

We, therefore, the Incumbent and Churchwardens of the Church of ................................ in the Parish of ......................... do request Your Grace or Your Lordship (as the case may be) by virtue of the authority committed to you by section 4 of the Constitution of the Church of England in Australia to permit the deviation or deviations (as the case may be) hereto annexed and signed by us for the purpose of identification from the existing Order of Service.

Dated the ................................ day of ................................

Incumbent                               Churchwardens

3. The bishop may at his discretion permit the deviation or deviations (as the case may be) annexed to the certificate and request aforesaid provided no deviation thus permitted contravenes any principle of doctrine or worship of this Church.

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VIII. Rule Re: Petition under Section 28(2)

1. A petition under section 28 (2) of the Constitution shall be typed in triplicate on foolscap size paper and shall be in the form 1 set out in the schedule of forms hereunder.

FORM 1

PETITION TO THE PRESIDENT

The bill entitled ..................................................

We, the undersigned, being in all twenty-five or more of the members of Synod petition that the bill entitled .................................................

should be treated as a special bill under S.28 of the Constitution.

Dated this........... day of ............... A.D.

Signed ...................... Member of the House of ..............

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IX. Procedure to be Followed under Section 28(3)(II) & (III) of the Constitution

1. As soon as possible after a canon has been provisionally made, the General Secretary shall forward a copy of the Provisional Canon together with a copy of a certificate in the form of the Schedule to the bishop of each diocese.

2. The bishop of a diocese shall endeavour to ensure that the synod of the diocese considers whether to assent to or dissent from the Provisional Canon as soon as practicable after the copy of the Provisional Canon is received by the bishop.

3. When the synod of a diocese has assented to or dissented from the Provisional Canon the bishop or the registrar or the secretary of the diocese shall forthwith notify the General Secretary in the form of a certificate set out in the Schedule.

4. A declaration under section 28(3)(iii) of the Constitution shall be made by the President in writing under his hand and shall be filed in the Registry of the Primate.

5. Such declaration shall state the date upon which the General Secretary received the assent of the diocesan synod last to assent and in the said declaration the President shall declare the date on and from which the canon shall come into force.

6. The canon and the declaration shall be recorded in the Register of Canons in the said Registry and the Primate shall cause a notice to be posted to the secretaries of synod and the bishops of all dioceses stating that the declaration has been made and that the canon will come into force on the day so declared.

SCHEDULE
CERTIFICATE OF ASSENT TO/DISSENT FROM A PROVISIONAL CANON OF GENERAL SYNOD

[Short title and number of provisional canon]
To: The General Secretary
General Synod

I CERTIFY that on the day of the synod of this diocese
*assented to/dissented from the above provisional canon. A copy of the report and recommendations (if any) of the synod is attached.

Signed: ..............................

* Bishop/Registrar/Diocesan Secretary

Diocese: ..............................

Date: ..............................

* Delete whichever is inapplicable

Note:
1. The assent to or dissent from a provisional canon need only be by resolution of the synod.
2. If the provisional canon is assented to by the synod of a diocese it does not come into force in that diocese by virtue of such assent. It can only do so if it becomes a canon of General Synod and (in most cases) if the synod of the diocese then adopts it by ordinance.
3. If the synod dissents from the provisional canon it should submit a report as to the reasons why the provisional canon was not assented to together with any recommendations it may wish to make concerning the canon.
4. If a synod defers consideration of a provisional canon or assents to it with a comment, the General Secretary should be so informed together with a copy of any relevant ordinance or resolution.
XII. Rule Re: Declaration under Section 30 Proviso (b) of the Constitution

1. A declaration under section 30 Proviso (b) of the Constitution may be made by resolution.

2. Such resolution shall be in the following form:

   This Synod declares that the provisions of the canon entitled ............ affect the order and good government of the church within or the church trust property of (as the case may be) each diocese or the diocese of ............ (as the case may be) and such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
XIII. Rule Re: Declaration Under Section 30 Proviso (c) of the Constitution

1. A declaration under Section 30 Proviso (c) of the Constitution shall be in or to the effect of the following form:

The Synod of the Diocese of ................ (or the Diocesan Council of the Diocese of .................. ) is of opinion that the provisions of the canon entitled ...................... made by the General Synod at the session held in the year ............. do affect the order and good government of the Church in or the church trust property of (as the case may be) the Diocese.

2. The notification to the President under the said proviso shall set out the said declaration and state the date on which it was made and further state that the said canon has not been adopted by an ordinance of the synod or, alternatively, that the said canon was adopted by an ordinance of Synod, namely (stating the title and date thereof) but was subsequently excluded by an ordinance, namely (stating the title and date thereof).

3. If the Standing Committee should advise the President that it agrees with the opinion of such diocesan synod or diocesan council the President shall forthwith notify the Bishop of the Diocese that the said canon is not in force and shall be deemed not to have come into force in the diocese concerned or that the operation of the canon in such diocese ceased on the date of the declaration of the diocesan synod or diocesan council as the case may be.

4. The President shall forthwith notify each other diocese that the canon did not come into force or ceased to be in force as the case may be in such diocese.

5. If the President refers the question raised by the said declaration of opinion to the Appellate Tribunal the form of the question so referred shall be as follows:

Does the canon entitled ................. affect the order and good government of the church within or the church trust property of the Diocese of
XV. Rules under Section 32 of the Constitution

1.52 Subject to this rule, the Standing Committee shall estimate, in respect of each calendar year, the amounts of the costs, charges and expenses expected to be incurred in that year in, or in connection with, matters referred to in paragraphs (a), (b1), (c), (e) and (f) of sub-section 32(2) of the Constitution.

2.53 The estimate made by the Standing Committee under rule 1 in respect of a calendar year next following an ordinary session of synod shall not exceed in the aggregate the estimate of the costs, charges and expenses for that year in, or in connection with, those matters approved by the Synod at that session of Synod.

3.54 The Standing Committee shall estimate the amounts of the costs, charges and expenses expected to be incurred in, or in connection with, the holding of each ordinary session of Synod and the conduct of its business.

3A.55 The aggregate of the amounts estimated in accordance with rule 1 in respect of a calendar year shall be increased by:

(a) the aggregate of the amounts estimated in accordance with rule 3; or

(b) a proportion, determined by the Standing Committee, of the aggregate of the amounts estimated in accordance with rule 3;

as the Standing Committee determines in respect of that year.

3B.56 The Standing Committee may, from time to time, revise the estimate made in accordance with rule 3 and, if it does so, may revise the determination made by it under rule 3A in respect of a calendar year other than a calendar year in respect of which levies have already been made on the dioceses under rule 15.

3C.57 (1) Where:

(i) the aggregate of the costs, charges and expenses incurred in a calendar year in, or in connection with, matters referred to in paragraphs (a), (b1), (c), (e) and (f) of sub-section 32(2) of the Constitution (excluding expenses to which rule 12 relates) exceeds the estimate of the aggregate of those costs, charges and expenses in respect of that year; or

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52 Substituted by Rule 2, 1989.
54 Substituted by Rule 2, 1989.
55 Added by Rule 2, 1989.
56 Added by Rule 2, 1989.
57 Added by Rule 2, 1989.
(ii) the aggregate of costs, charges and expenses incurred in, or in connection with, the holding of an ordinary session of synod exceed the estimate, or revised estimate, as the case may be, of the aggregate of those costs, charges and expenses;

the Standing Committee may determine that the aggregate of the amounts estimated in accordance with rule 1 in respect of a calendar year be increased, or further increased, by:

(a) the amount of the excess; or

(b) a proportion, determined by the Standing Committee, of the amount of the excess.

(2) In respect of a calendar year next following an ordinary session of synod, if, but only if, the aggregate of the estimate of costs, charges and expenses for that year approved by synod at that session of synod in or in connection with, matters referred to in paragraphs (a), (b), (c) and (e) of subsection 32(2) of the Constitution exceeds the aggregate of the estimate of the costs, charges and expenses expected to be incurred in that year in, or in connection with, matters so referred to made under rule 1, Standing Committee may determine, under sub-rule (1) of this rule, an increase, not exceeding the amount of that excess, in respect of costs, charges and expenses incurred in another year in, or in connection with, matters so referred to.

3D.58 (1) The aggregate of the amounts, estimated in accordance with rule 1 in respect of a calendar year increased to the extent (if any) provided in rules 3A and 3C, shall be divided by the number of elected and appointed members of Synod who were entitled to attend the ordinary session of the Synod immediately preceding the time when the quotas for the dioceses are to be ascertained (other than the members so entitled to attend as representatives of missionary dioceses).

(2) The quotient so obtained shall be multiplied by the respective numbers of elected and appointed members who were entitled to represent each diocese at that ordinary session of the Synod (other than a missionary diocese) and the amount so obtained in respect of a diocese is the quota for the diocese in respect of that calendar year.

4. Within sixty days after the close of any session of the Synod the registrar or other official of each diocese may forward to the Secretary of the Standing Committee of the Synod a detailed statement of the amount payable on behalf of the members of such dioceses attending the session. The Standing Committee may reject any claims (a) not made within the prescribed period, or (b) not, in its opinion, provided for under these rules.

5. When the Standing Committee shall have received all the quotas hereinbefore mentioned it shall forward to the registrar or other official of each diocese the sum approved on behalf of the members of each diocese including the missionary dioceses, and his receipt shall be a sufficient discharge of the obligations of the Standing Committee. The Standing Committee shall not consider nor be responsible for any claims by individual members of the Synod.

Interpretations

6. In these Rules:

“Cost of fares” means the actual sum paid by any member of Synod, for the purpose of attending a session of the Synod, in the purchase of tickets permitting him to travel by air, rail, boat or coach between his accustomed abode and the city in which session of the Synod is held and shall include the expenses of transport for such purpose incurred by a member who travels by any other means not exceeding an amount a sum approved by the Standing Committee and being not greater than that which might have been incurred in travel by air, rail, boat or coach.

“Members attending the Session” means a member of the Synod who has attended upon not less than half the days during which the Session has been held unless his absence be due to urgent causes approved by the Standing Committee.

6A. For the purposes of these Rules:

(a) the number of elected and appointed members of the Synod entitled to attend a session of the Synod; and

(b) the number of elected and appointed members of the Synod entitled to represent a diocese at a session of the Synod;

must be ascertained according to the certificates referred to in subsection 17(7) of the Constitution that had been received by the Primate before the commencement of that session.

7. The Registry of the Primate shall be located at Sydney or at such other see City as the Primate with the concurrence of the Standing Committee, shall from time to time determine, and the Standing Committee is hereby empowered to make all necessary and suitable arrangements for the maintenance of the said Registry.

8. The Standing Committee is hereby authorised to pay to the Primate such travelling expenses as may be reasonably incurred by him in the performance of his duties as Primate.

9.

60 Amended by Rule III, 1966.
10. The Standing Committee is hereby authorised to estimate the costs and expenses of sittings of the Appellate Tribunal and in relation to such costs and expenses as are attributable to sittings for the purpose of determining any appeal question or matter made or referred to it and not otherwise provided for under canon of Synod or by direction of the Appellate Tribunal and recovered thereunder to apportion the same in the manner provided in Rule 3D.

11. The Standing Committee is hereby authorised to estimate the costs and expenses of any sitting of the Special Tribunal in so far as they may not be provided for under canon of Synod or by direction of the said Tribunal and recovered thereunder and to apportion the same in the manner provided by Rule 3D.

12. All expenses incurred by the Corporate Trustees shall be met by those synods, churches, societies, councils, boards, agencies or authorities in the management of whose property or for whose benefit the expenses have been incurred.

13. (1) Where a special session of synod is required to be convened, the Standing Committee shall estimate the amounts of the costs, charges and expenses expected to be incurred in, or in connection with, the holding of that session and the conduct of its business.

(2) The Standing Committee shall apportion among the dioceses the aggregate of the amounts estimated under sub-rule (1) in the manner provided in rule 3D.

(3) Where:

(a) the Standing Committee is of the opinion that the aggregate of the amounts of the costs, charges and expenses expected to be incurred in, or in connection with, the holding of a special session of Synod exceeds the aggregate of the amounts levied in respect of that session; or

(b) the aggregate of the amounts of the costs, charges and expenses of, or in connection with, a special session of synod exceeds the aggregate of the amounts levied in respect of that session;

the Standing Committee shall apportion the amount of the excess in the manner provided in rule 3D.

(4) The Standing Committee may determine that a quota for a diocese determined under sub-rule (2) or (3) be payable as a single quota for the purposes of this rule or in proportions determined by Standing Committee over two or more years.

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63 Amended by Rule 2, 1989.
64 Added by Rule 2, 1989.

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(5) Where Standing Committee determines that a quota be payable over two or more calendar years, the part payable in a year shall be treated as a quota in respect of that year for the purposes of this rule and the first-mentioned quota shall be disregarded.

14. Where the Standing Committee may, from time to time, revise an estimate made under rule 10 or 11 and, if it increases the amount of the estimate, it shall apportion the amount of the increase in the manner provided in rule 3D.

15. Where:
   
   (a) A quota for a diocese (not being a missionary diocese) is ascertained in accordance with rule 3D in relation to the estimate, or an increased estimate, made under rule 1 in respect of a calendar year;
   
   (b) a quota for a diocese (not being a missionary diocese) is ascertained in accordance with rule 3D in respect of an estimate, or an increased estimate, made under rule 10 or 11; or
   
   (c) a quota for a diocese (not being a missionary diocese) is ascertained in accordance with rule 13 in respect of a special session of Synod;
       a levy, equal to the amount of the quota, shall be taken to have been imposed on, and is payable by, the diocese concerned.

16. Where a quota for a diocese is ascertained in accordance with rule 13 in respect of a calendar year, the levy in respect of that quota imposed by rule 15 is imposed in respect of that calendar year.

17. Where the aggregate of the amounts levied in respect of costs and expenses referred to in rule 10, 11 or 13 exceeds the amount of the costs and expenses concerned, the Standing Committee may apportion the excess among the dioceses (other than missionary dioceses) in the same proportions as the levies were imposed on those dioceses and apply the amount so apportioned to a diocese to any levies due and payable by that diocese.

18. The amendments of Rule XV made by rules 1 to 5 of these rules apply to and in relation to the calendar year immediately following the calendar year in which these rules are made and in relation to each subsequent calendar year.69

19. As soon as possible after the passing by General Synod of a canon to which, in the opinion of the General Secretary, section 32(3) of the Constitution may apply, the

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65 Added by Rule 2, 1989.
66 Added by Rule 2, 1989.
67 Added by Rule 2, 1989.
68 Added by Rule 2, 1989.
69 Rules 1 to 5 of amending Rule 2, 1989, refer to rules 1 to 3D inclusive, 9 to 11 inclusive, and 13 to 17 inclusive of the consolidated Rule XV above.
General Secretary shall send to the bishop, the registrar or diocesan secretary of each diocese a copy of the canon together with a form of certificate relating to the canon in accordance with the form contained in the Schedule.

20. As soon as possible after the passing by a diocesan synod of an ordinance assenting to a canon referred to in section 19 the bishop, the registrar or diocesan secretary of the diocese shall complete and return to the General Secretary the certificate referred to in section 19.

21. The General Secretary shall record in a Register of Canons of General Synod any notification by the bishop or the registrar or diocesan secretary of a diocese of the passing by the synod of such diocese of an ordinance assenting to a canon referred to in section 19.

22. Where a canon to which section 19 applies is also a canon to which section 30(a) or (b) of the Constitution applies or may apply the General Secretary may adapt the form of the certificate in the Schedule to refer to both the adoption of and assent to the canon by the synod of a diocese.

23. The Standing Committee shall, in the first instance, discharge the financial obligations of the Episcopal Standards Commission incurred in accordance with any directions or protocol adopted by the Standing Committee.

24. As soon as practicable after advice to the General Secretary that, in accordance with any directions or protocol, the Episcopal Standards Commission has incurred or is likely to incur a financial obligation, the General Secretary shall inform the members of the Executive of Standing Committee of such advice together with the name of the diocese or dioceses that appear to be involved.

25. The Executive shall arrange for consultations with the diocesan council (without its bishop) of such diocese or dioceses as to the equitable sharing of the money necessary to discharge the costs incurred and to be incurred by the Episcopal Standards Commission with respect to the investigation in which it incurred or is likely to incur the aforesaid financial obligations.

26. The Executive shall make a report to the Standing Committee.

27. The Standing Committee shall determine the proportion of the costs referred to in sub-rule 25 that ought to be borne by particular dioceses involved which determination shall constitute an assessment on any such diocese.

28. The Standing Committee shall include in its reporting to the next following ordinary session of General Synod provision for meeting such costs in part by such dioceses and in part pursuant to section 32(2)(b1) of the Constitution.

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71 Paragraph 23 added by Rule 6, 2010
72 Paragraph 24 added by Rule 6, 2010
73 Paragraph 25 added by Rule 6, 2010
74 Paragraph 26 added by Rule 6, 2010
75 Paragraph 27 added by Rule 6, 2010
76 Paragraph 28 added by Rule 6, 2010

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29. The Standing Committee shall also include in such financial reporting the best estimate of the anticipated costs of the Episcopal Standards Commission for the following triennium.

30. A bishop who has incurred expense in or about the bringing of a charge against a bishop to the Special Tribunal may request the Standing Committee to treat those expenses in the same way as expenses claimed by the Episcopal Standards Commission and the Standing Committee may accede to that request and act accordingly.

31. Notwithstanding anything in sub-rules 10 or 11, the costs of sittings of the Special Tribunal and the Appellate Tribunal may be apportioned in accordance with sub-rule 27.

32. Sub-rules 23 and following shall also apply in respect of actions taken prior to the enactment of the Amendment to this Rule by the General Synod of 2010.

33. Sub-rules 23–33 shall expire on the commencement of the 16th General Synod.

SCHEDULE

CERTIFICATE OF ASSENT TO A CANON TO WHICH SECTION 32(3) OF THE CONSTITUTION APPLIES

[Short Title and Number of Canon]
To: The General Secretary
General Synod

I CERTIFY that on the day of the synod of this diocese assented by Ordinance to the above Canon.

Signed: ..............................

Bishop/Registrar/Diocesan Secretary

Diocese: ..............................

Date: ..............................

77 Paragraph 29 added by Rule 6, 2010
78 Paragraph 30 added by Rule 6, 2010
79 Paragraph 31 added by Rule 6, 2010
80 Paragraph 32 added by Rule 6, 2010
81 Paragraph 33 added by Rule 6, 2010
XVI. Rules Relating to Charges against a Clerk

(Section 54 of the Constitution)

1. The appointment by the bishop of a diocese of a person to promote a charge against any person licensed by the bishop or clerk in holy orders resident in the diocese under section 54(3) of the Constitution shall be under seal. A copy of such appointment shall be filed in the registry of the bishop.

2. Any charge against any such person or clerk in holy orders shall be in writing and lodged in the registry of the bishop in triplicate.

3. A reference to a board of enquiry shall be made by endorsement of the bishop to that effect on the written charge and sent by certified mail to the chairman of such board.

4. The Appellate Tribunal shall prescribe the form of an instrument of appeal from the determination of a diocesan tribunal or a provincial tribunal to itself.

5. A provincial tribunal shall prescribe the form of an instrument of appeal from a diocesan tribunal to itself.
XVII. **Rule under Section 60 of the Constitution**

The finding of a tribunal on any charge or offence shall be in writing and any recommendation it may make shall also be in writing signed by the President or member presiding. A copy of any such finding or recommendation shall be deposited in the Registry of the Primate.
XVIII. Rule under Section 63 of the Constitution

A decision, determination or opinion of the Appellate Tribunal shall be published by a copy signed by the President or the Deputy President being transmitted to the Primate either in hard copy or electronically. The decision, determination or opinion shall operate from the date of posting unless the Tribunal otherwise determines.

The President or Deputy President shall also, preferably on the same day he or she transmits the decision, determination or opinion to the Primate, send to the General Secretary a copy of the same.

The General Secretary shall ensure that a copy is duly filed in the Primate’s Registry and shall also transmit a copy to each Diocesan Bishop to the applicants and any other synod, person, group of persons or association given leave by the Appellate Tribunal to be a party and any other person to whom the Primate directs that a copy be sent.

82 Amended and replaced by Rule 03, 2007
XIX. Rule Re: Interpretation

Section 74 of the Constitution shall apply to the canons the rules and Standing Orders of Synod unless the context or subject matter thereof indicates the contrary.

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83 This Rule was repealed by Canon 10, 1995, but the repeal does not affect its application to canons made before 1 January 1996.
XX. Rules with Respect to Alterations of the Constitution

1. As soon as possible after the passing by General Synod of a canon to amend the Constitution to which section 67(1)(a)(ii) or (iii), section 67(1)(b) or section 67(1)(c) of the Constitution applies the General Secretary shall send to the registrar or diocesan secretary of each diocese a certified copy of the canon together with a form of certificate relating to the canon in accordance with the form contained in Schedule 1.

2. As soon as possible after the passing by a diocesan synod of an ordinance assenting to a canon referred to in section 1 the bishop or registrar or diocesan secretary of the diocese shall complete and return to the General Secretary of General Synod the certificate referred to in section 1 together with a true copy of the Ordinance of the Synod assenting to the canon.

3. After appointing a date on which the canon shall come into effect in accordance with section 67(2) of the Constitution the President shall make a declaration in writing in one or other of the forms set out in Schedule 2 and such declaration shall be filed in the registry of the Primate.

4. In addition to complying with the requirements of section 67(2) of the Constitution, the President shall forthwith notify in writing each diocesan bishop and the secretaries of General Synod of the making of the declaration.

5. Standing Committee shall report the making of the declaration to synod at its next session.

SCHEDULE 1
CERTIFICATE OF ASSENT TO A CANON TO AMEND THE CONSTITUTION

[Short Title and number of Canon]
To: The General Secretary
General Synod

I certify that on the day of the synod of this diocese assented by Ordinance to the above canon and that such assent is still in force. A copy of the Ordinance assenting to this canon is attached.

Signed: ........................................
Bishop/Registrar/Diocesan Secretary

Diocese: ......................................
Date: ........................................

SCHEDULE 2
FORM A
DECLARATION WITH RESPECT TO A CANON TO WHICH
SECTION 67(1)(a)(i) OF THE CONSTITUTION APPLIES

I, ......................................................, President of General Synod and Primate of The Anglican Church of Australia pursuant to section 67(2) of the Constitution and to rules of the General Synod do declare that a bill for a canon entitled ...................................... was duly passed at the session of General Synod held in the year .......... in accordance with the requirements of section 67(1)(a)(i) of the Constitution and I determine that there is no condition/no condition remaining to which the coming of the canon into effect is subject and I appoint the .......... day of ......................... as the date
on which the canon shall come into effect and I declare that the Constitution on and from that day will be altered accordingly.

DATED .............................. day of ........................

Signed: ..............................

President of General Synod

FORM B

DECLARATION WITH RESPECT TO A CANON TO WHICH SECTION 67(1) (a)(ii) or (iii) or SECTION 67(1)(c) OF THE CONSTITUTION APPLIES

I, .................................................., President of General Synod and Primate of The Anglican Church of Australia pursuant to section 67(2) of the Constitution and to rules of the General Synod do declare that a bill for a canon entitled .................................................. was duly passed at the session of General Synod held in the year ............... and that subsequently at least three-quarters of the diocesan synods of The Anglican Church of Australia including all the metropolitan sees assented to it by ordinance and that all such assents were in force on the ...............day of ...............and I determine that there is no condition/no condition remaining to which the coming of the canon into effect is subject and I appoint the ........ day of ..................... as the date on which the canon shall come into effect and I declare that the Constitution on and from that day will be altered accordingly.

DATED .............................. day of ........................

Signed: ..............................

President of General Synod
FORM C
DECLARATION WITH RESPECT TO A CANON TO WHICH SECTION 67(1)(b) OF THE CONSTITUTION APPLIES

I, ................................................, President of General Synod and Primate of The Anglican Church of Australia pursuant to section 67(2) of the Constitution and to rules of the General Synod do declare that a bill for a canon entitled ....................................... was duly passed at the session of General Synod held in the year ........ and that subsequently every diocesan synod of the said church assented to it by ordinance and that all such assents were in force on the ............. day of ................. and I determine that there is no condition/no condition remaining to which the coming of the canon into effect is subject and I appoint the ........ day of ............ as the date on which the canon shall come into effect and I declare that the Constitution on and from that day will be altered accordingly.

DATED ....................... day of ......................

Signed: .................................

President of General Synod
XXI. Rule with Respect to Adoption of General Synod Canons

1. As soon as possible after the passing by General Synod of a canon to which in the opinion of the General Secretary section 30(a) of the Constitution may apply or to which section 30(b) of the Constitution applies the General Secretary of General Synod shall send to the registrar or diocesan secretary of each diocese a certified copy of the canon together with a form of certificate relating to the canon in accordance with the form contained in the Schedule.

2. As soon as possible after the passing by a diocesan synod of an Ordinance adopting a canon referred to in section 1 the bishop or the registrar or diocesan secretary of the diocese shall complete and return to the General Secretary the certificate referred to in section 1.

3. The General Secretary of General Synod shall record in a Register of Canons of General Synod any notification by the bishop the registrar or diocesan secretary of a diocese of the passing by the synod of such diocese of an Ordinance adopting a canon referred to in section 1 and of an Ordinance excluding such canon from operation in the diocese.

4. Within six calendar months of the passing of this Rule the General Secretary of General Synod shall send to the bishop, the registrar or diocesan secretary of each diocese a form of certificate in accordance with the form contained in the Schedule or some adaptation thereof (which may be a composite form) in relation to every canon of General Synod passed prior to 1995 to which, in the opinion of the General Secretary, section 30(a) of the Constitution may apply or to which section 30(b) applies.

5. Within six calendar months of the receipt by the registrar or diocesan secretary of a diocese of the certificate referred to in section 4 the registrar or diocesan secretary shall complete and return to the General Secretary of General Synod the certificates referred to in section 4.

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85 Rule 8, 1995.
SCHEDULE

CERTIFICATE OF ADOPTION BY ORDINANCE OF A CANON
OF GENERAL SYNOD

[Short Title and number of Canon]
To: The General Secretary
General Synod

II CERTIFY that on the day of the synod of this diocese adopted by Ordinance the above Canon.

Signed: ...................................
Bishop/Registrar/Diocesan Secretary

Diocese: ..................................

Date: ..................................

________________________
XXII. Rule with Respect to Indigenous Members of the House of Bishops

The Indigenous members of the House of Bishops under Section 17(8)(a)(i) of the Constitution shall be known by the titles “National Aboriginal Bishop” and “National Torres Strait Islander Bishop”.

86  Made by Rule 2, 2001
XXIII. Rule under Section 1(C) Admission to Holy Communion Canon 1973

General Synod makes the following Rule under section 1(c) of the Admission to Holy Communion Canon 1973:

The following class of persons is authorised, pursuant to paragraph (c) of section 1 of the Admission to Holy Communion Canon 1973 to be admitted to the Holy Communion in this Church:

Baptised persons who are members of the Lutheran Church of Australia and who are eligible to receive Holy Communion in that Church.

XXIV. A Rule Relating to Administrative Services of the General Synod

Definitions
1. In this Rule, unless the context otherwise requires, the expressions “the Corporation” and “General Synod property” have the same meaning as they have from time to time in the Trust Corporation Canon 2010.

Holding of General Synod Property
2. All General Synod property shall henceforth become and remain vested in the Corporation.

Contracts on behalf of General Synod and Standing Committee
3. Any contract entered into by or on behalf of the General Synod shall be entered into and administered on behalf of the General Synod by the Corporation.

Documents under seal
4. Any document affecting General Synod Property or the affairs of the General Synod required to be under seal shall be under the seal of the Corporation.

Authorised Persons
5. The Standing Committee may at any time and from time to time authorise any person, persons, or body and subject to such conditions (if any) as it may determine –
   (a) To enter into contracts on behalf of and for the purposes of the General Synod;
   (b) To invest General Synod property consisting of funds and to redeem and transpose such investments;
   (c) To expend monies on behalf of and for the purposes of the General Synod or any unincorporated body constituted by or under any Canon or Rule;
   (d) To act on behalf of the General Synod or the Standing Committee in respect of any particular affairs of the General Synod or of any General Synod property.

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88 Made by Rule 7, 2010
APPENDIX A

CANONS, BILLS AND PROVISIONAL CANONS
1962 - 2010
The symbol • indicates legislation which is printed in this volume, with any amendments incorporated.

The symbol ◆ indicates legislation which is not in effect but is printed in this volume.

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| Canon No. 1, 1987 | Constitution Alteration Canon 1987                                       | Section 2 only not in effect; the rest:  
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APPENDIX B

RULES
1962 - 2010
## RULES 1962 - 2010

The symbol • indicates legislation which is printed in this volume, with any amendments incorporated.

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| Rule XVI [1962] | Rules relating to charges against a clerk                            |                            |
| Rule XVII [1962] | Rule under section 60 of the Constitution                            |                            |
| Rule XX [1966] | Rules for promulgating the date on which an alteration of the Constitution has come into effect | Amended by Rule No. 3, 1981  
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| Rule No. 2 of 1966 | Rules to amend Rules for the appointment of a Standing Committee of General Synod and defining its powers and duties | Amends Rule II |
| Rule No. 3 of 1966 | Rule to amend clause 7 of Rule XV under section 32 of the Constitution | Amends Rule XV               |
| Rule No. 1 of 1969 | Amended Rules for the conduct of all business coming before the General Synod of the Church of England in Australia known as Standing Orders | Amends Rule I               |
| Rule No. 2 of 1969 | Rules for the conduct of elections under the Australian Board of Missions Canon 1966 | Rescinded by Rule No. I of 1973 |</p>
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<td>Title</td>
<td>Notes</td>
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<tr>
<td>Rule No. 2, 2007</td>
<td>Rule to Amend Clause 2 of Rule II - Rules for the appointment of a Standing Committee of General Synod and defining its powers and duties</td>
<td>Amends Rule II</td>
</tr>
<tr>
<td>Rule No. 3, 2007</td>
<td>Rule to Amend Rule XVIII – a Rule under Section 63 of the Constitution</td>
<td>Replaces Rule XVIII</td>
</tr>
<tr>
<td>Rule No. 4, 2007</td>
<td>Rule to Amend Clause 4 of Rule II - Rules for the appointment of a Standing Committee of General Synod and defining its powers and duties</td>
<td>Amends Rule II</td>
</tr>
<tr>
<td>Rule No. 1, 2010</td>
<td>Rule to Amend Rule I – Standing Orders (Standing Order 7)</td>
<td>Amends Rule I</td>
</tr>
<tr>
<td>Rule No. 2, 2010</td>
<td>Rule to Amend Rule I – Standing Orders (Standing Order 34)</td>
<td>Amends Rule I</td>
</tr>
<tr>
<td>Rule No. 3, 2010</td>
<td>Rule to Amend Rule I – Standing Orders (Standing Order 37B)</td>
<td>Amends Rule I</td>
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<tr>
<td>Rule No. 4, 2010</td>
<td>Rule to Amend Rule III – Rules for the Conduct of Elections Ordered to be Made by the General Synod (National Register Checks)</td>
<td>Amends Rule III</td>
</tr>
<tr>
<td>Rule No. 5, 2010</td>
<td>Rule to Amend Rule III – Rules for the Conduct of Elections Ordered to be made by the General Synod (Rules 17 and 20)</td>
<td>Amends Rule III</td>
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<tr>
<td>Rule No. 6, 2010</td>
<td>Rule to Amend Rule XV – Rules Under S.32 of the Constitution</td>
<td>Amends Rule XV</td>
</tr>
<tr>
<td>Rule XXIV</td>
<td>Rule Relating to Administrative Services of the General Synod</td>
<td></td>
</tr>
<tr>
<td>Rule No. 7, 2010</td>
<td>Rule to Amend Rule I – Standing Orders (Standing Order 7)</td>
<td><strong>Not in Effect.</strong> Comes into effect when Canon No. 12, 2010 comes into effect.</td>
</tr>
</tbody>
</table>
APPENDIX C

DETERMINATIONS OF
THE GENERAL SYNOD OF THE DIOCESES
IN AUSTRALIA AND TASMANIA

1872–1961
Determinations of the General Synod
of the Dioceses in Australia and Tasmania
1872-1961

BISHOP MENTALLY INCAPABLE
DETERMINATION VI, SESSION 1891

Made 3 October 1891

Rules to provide for the case of a Bishop mentally incapable of administering his Diocese.

1. If at any time it shall be declared and determined by a Court of competent jurisdiction that the Bishop of any Diocese in Australia or Tasmania is incapable of managing his affairs, such declaration or determination shall be notified to the Primate or Senior Bishop as the case may be and such Primate or Senior Bishop may formally declare the See vacant and give due notice of the vacancy and thereupon the same shall be deemed vacant.

2. Where there shall have been no legal proceedings in the case as hereinbefore provided and it shall be established to the satisfaction of the Primate or Senior Bishop as the case may be upon the report of a majority of the members of the Diocesan Council, Standing Committee, or the corresponding Body in any Diocese - such report being accompanied and supported by the certificate of not less than three duly qualified medical practitioners - that there is prima facie reason to believe that the Bishop is rendered incapable by any form of mental or cerebral disease of administering his See the Primate or Senior Bishop as the case may be thereupon shall issue a Commission of Enquiry to three Bishops with authority to take such medical and other evidence as they may think necessary and to report to him. If the report of the said Commission should be that the Bishop is incapable as aforesaid the Primate or Senior Bishop as the case may be may declare the See vacant and thereupon such See shall be deemed vacant.
BISHOPS COADJUTOR
DETERMINATION II, SESSION 1896

Made 6 October 1896
Amended by Determination IV, 10 October 1921

Rules for appointing Bishops Coadjutor.

1. The Synod of any Diocese in Australia and Tasmania may create the office of one or more Bishops Coadjutor, with or without a defined area of work, within the limits of the Diocese.

2. The appointment from time to time to such office shall vest in the Bishop of the Diocese, and the Bishops Coadjutor so appointed shall perform such episcopal acts as the Bishop of the Diocese shall require.

3. No such appointment shall be filled, nor any person consecrated to fill such appointment, without the same confirmation as is required in the case of a Diocesan Bishop.

4. No such appointment or Consecration as aforesaid shall take place unless and until the majority of the Metropolitans are satisfied that a sufficient income is provided for such Bishop Coadjutor.

5. The appointment of such Bishops Coadjutor shall determine with the voidance of the See, but he may vacante sede perform such episcopal acts within the Diocese as the Primate or Metropolitan, as the case may be, shall direct him to perform. In the event of his re-appointment in the same or any other Diocese, no fresh confirmation shall be necessary.

6. No Bishop Coadjutor shall be entitled by virtue of his office to a seat in the House of Bishops - nor shall any Bishop Coadjutor have a voice in the confirmation of Bishops.

7. Nothing herein contained shall be held to confer on any Bishop Coadjutor jus successionis to the See.

8. Determination IV, Session 1891, is hereby repealed.

1 Substituted by amending Determination IV, 1921.