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*The Constitutions Amendment Act Provincial Ordinance  
1970 Adopting Ordinance 1970*

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No. 51, 1970

AN ORDINANCE to adopt a certain Ordinance of the Provincial Synod of N.S.W. entitled "The Constitutions Amendment Act Provincial Ordinance 1970".

WHEREAS a certain Ordinance entitled "The Constitutions Amendment Act Provincial Ordinance 1970" a copy of which is contained in the Schedule hereto was passed by the Synod of the Province of New South Wales on the 15th day of April, 1970 AND WHEREAS it is expedient that the said Ordinance should be adopted by the Church in this Diocese NOW the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England in Australia within the State of New South Wales HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. The said Ordinance contained in the Schedule hereto is hereby adopted and so far as the same is applicable shall be applied to the management and good government of the Church in this Diocese.
2. This Ordinance may be cited as "The Constitutions Amendment Act Provincial Ordinance 1970 Adopting Ordinance 1970".

SCHEDULE  
THE CONSTITUTIONS AMENDMENT ACT PROVINCIAL  
ORDINANCE 1970

AN ORDINANCE to authorise application to the Parliament of New South Wales to pass an Act to amend the constitutions for the management and good government of the Church of England in Australia within the State of New South Wales and to give legal force and effect to the same.

WHEREAS the Provincial Synod of the Province of New South Wales at a duly convened meeting held in the City of Sydney on the twenty-third day of August, 1965, resolved:

THAT this Synod receive the report of the sub-committee of Standing Committee re the Constitutions Act Amendment Act 1902 and asks that a committee comprising the Chairman of Committees of the Synod and the Chancellors of the various dioceses in the Province consider the matters mentioned in the report and if thought fit to prepare a draft ordinance for submission through the Standing Committee to the synods of the dioceses of the Province and then to the next Provincial Synod with a view to seeking from the Parliament of New South Wales further amendments to the Act.

AND WHEREAS the Standing Committee of this Provincial Synod has received from the Chancellors of the dioceses in the

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Province a draft Bill to provide for such amendments to the said Act and to provide that legal force and effect be given thereto, a copy whereof is contained in the Schedule hereto. AND WHEREAS the Bishop of every diocese in the Province has approved the said Bill AND WHEREAS this Provincial Synod has approved the said Bill with amendments subject to the same being accepted by the synod of every diocese in the Province AND WHEREAS it is expedient that the said Standing Committee be authorised and empowered to promote the said Bill in the Parliament of New South Wales provided that the synod of every diocese in the Province has accepted the same WHEREFORE the Provincial Synod in the Province of New South Wales in pursuance of the powers in that behalf conferred upon it by the constitutions for the management and good government of the Church of England in Australia within the State of New South Wales and of all other powers thereunto enabling it ORDAINS PRESCRIBES AND RULES as follows:

1. Application shall be made to the Parliament of New South Wales by the Standing Committee of this Provincial Synod to pass an Act in terms of the Bill contained in the Schedule hereto provided that the synod in every diocese in the Province has accepted the same and General Synod has ratified by Canon the alterations to the constitutions mentioned in the Schedule to the said Bill.
2. The said Standing Committee is hereby authorised and empowered to promote in the Parliament of New South Wales a Bill in terms of the said Bill or to the like effect contained in the Schedule hereto as soon as, and not before, the Metropolitan shall have reported to the said Standing Committee that the synod of every diocese in the Province has accepted this ordinance and General Synod has ratified by Canon the said alterations and for the said purpose to confer and to act in conjunction with the Bishops and Chancellors of the dioceses of the Province or any of them or any other person or persons and to do all such things and incur all such expense as may seem expedient in the circumstances.
3. This Ordinance may be cited as "The Constitutions Amendment Act Provincial Ordinance 1970".

#### SCHEDULE

A BILL to amend the constitutions for the management and good government of the Church of England in Australia within the State of New South Wales; for this purpose to amend the Church of England Constitutions Act Amendment Act of 1902; and for purposes connected therewith.

WHEREAS by an Ordinance duly passed by the Provincial Synod of the Province of New South Wales of the Church of

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England in Australia it was ordained and directed that application be made for the enactment of an Act in or to the effect of the provisions herein contained after the said provisions have been adopted by the Synod of each diocese of the said Province and after the General Synod of the Church of England in Australia has ratified and approved the said provisions AND WHEREAS such adoption and such ratification and approval has been made and given BE it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

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| Short<br>Title   | 1. This Act may be cited as "Church of England Constitutions Act Amendment Act of 1902 Amendment Act 1970".  |
| Amendment<br>of Church of<br>England<br>Constitutions<br>Act<br>Amendment<br>Act of 1902 | 2. The Church of England Constitutions Act Amendment Act of 1902 is amended —<br>(a) By inserting in the Schedule to the said Act after the heading thereof the following words —<br>"Whereas the Church of England Constitutions Act Amendment Act of 1902 contains the following recital and memorandum of agreement —"<br>(b) By inserting in the Schedule to the said Act after the said memorandum of agreement the following words —<br>"And Whereas it is expedient that the said Constitutions for the management and good government of the Church of England within the State of New South Wales be now further altered and amended. We, the members of the aforesaid Church herein and hereinafter to be described and designated as the Church of England in Australia within the State of New South Wales present at a synod of the Bishops and clerical and lay representatives of the existing dioceses of the said Church, convened and presided over by the Most Reverend Marcus Lawrence Loane, Archbishop of Sydney and Metropolitan, and held in the City of Sydney on the fifteenth day of April one thousand nine hundred and seventy, do agree to and accept the articles and provisions contained in the Church of England Constitutions Act Amendment Act of 1902 as amended by this Act as constitutions for the management and good government of the said Church." |
| Articles   | (c) By omitting from Article 2 the words "Provided always that nothing hereinbefore con-   |

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- tained shall be binding on such Diocese within a less period than three years after it has been constituted."
- (d) (i) By inserting in Article 6 after the word "members" where secondly occurring the words "present and".  
(ii) By omitting from the same Article the word "five" and inserting in lieu thereof the word "eight".  
(iii) By inserting in the same Article after the word "members" where thirdly occurring the words "of one order".  
(iv) By inserting in the same Article after the word "orders" the words "and if a vote be taken by orders a majority of members of each order present and voting shall be required".
- (e) (i) By inserting in Article 8 at the beginning thereof the words "In this Article 'customary worshipper' shall mean a member of the Church of England in Australia who declares that he usually attends the regular Church services."  
(ii) By omitting from the same article the word "Twenty-one" and inserting in lieu thereof the word "eighteen".  
(iii) By inserting in the same Article after the word "years" the words "or over".  
(iv) By inserting in the same Article after the word "in" where firstly occurring the words "or customary worshippers at".  
(v) By omitting from the same Article the words "or residents within his parish".  
(vi) By inserting in the same Article after the word "summoned" the words "and attending the meeting".
- (f) By adding at the end of the declaration in Article 9 the following words "in Australia and not a member of any other Church".
- (g) (i) By omitting from Article 10 the word "choose" and inserting in lieu thereof the word "elect".  
(ii) By omitting from the same Article the word "male".  
(iii) By omitting from the same Article the word "twenty-one" and inserting in lieu thereof the word "eighteen".  
(iv) By inserting in the same Article after the word "years" the words "or over".  
(v) By inserting in the same Article after the word "communicant" the word "member".

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- (h) By omitting from Article 11 after the word "he" the words "or she".
- (i) (i) By omitting from Article 14 the word "may" where firstly occurring and inserting in lieu thereof the word "shall".  
(ii) By omitting from the same Article the word "may" where fourthly occurring and inserting in lieu thereof the word "shall".
- (j) (i) By inserting in the declaration in Article 17 after the word "communicant" the word "member".  
(ii) By adding at the end of the same declaration the following words "in Australia and not a member of any other church".
- (k) By omitting Article 18.
- (l) By omitting Article 19.
- (m) By omitting Article 24.
- (n) (i) By omitting from Article 26 the word "State" and inserting in lieu thereof the word "Province".  
(ii) By omitting from the same Article the words "for the purpose by an ordinance of Synod, or in default of such an ordinance" and inserting in lieu thereof the words "to administer the diocese under the provisions of an ordinance of synod or if no such appointment has been made".
- (o) (i) By omitting from Article 28 the words "A copy" and inserting in lieu thereof the words "Two copies".  
(ii) By omitting from the same Article the words "the same" and inserting in lieu thereof the words "one copy".  
(iii) By omitting from the same Article the words "Archbishop of Canterbury" and inserting in lieu thereof the words "Primate of the Church of England in Australia".
- (p) By inserting after Article 28 a new Article as follows:  
"29. These articles and provisions may be amended by an Ordinance passed by the Provincial Synod of the Church of England in Australia in the Province of New South Wales and adopted by the Synod of each Diocese in the said Province provided that such amendment is ratified by or made in accordance with a canon of General Synod of the said Church."

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

ATHOL RICHARDSON,  
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 15th day of October, 1970.

W. L. J. HUTCHISON,  
K. N. SHELLEY,  
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

15/10/1970.