
Formation of Provinces.

1881

AN ORDINANCE for accepting and adopting a certain Determination of the General Synod Session 1881, intituled, "General Rules for the formation of Provinces, and the regulation of matters connected therewith."

(Assented to 16 May, 1882.)

WHEREAS a certain Determination being Determination No. 1 was made by the General Synod of the Dioceses in Australia and Tasmania, on the 19th day of October, 1881, intituled "General Rules for the formation of Provinces and the regulation of matters connected therewith," a copy of which is contained in the Schedule annexed to this Ordinance. And whereas it is expedient that the said Determination shall be accepted by the Church in this Diocese. The Synod of the Diocese of Sydney, in pursuance of Ordinance No. 4, 1876, and of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales, ordains and rules as follows:—

That the said Determination and the Rules therein contained, and each and every of them shall be, and the same are and is hereby accepted and adopted, and shall so far as the same are applicable be applied to the management and government of the Church in this Diocese in like manner as if the said Determination, and the Rules therein contained, and each and every of them had been ordained and ruled by the Synod of this Diocese.

[SCHEDULE.

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General Synod, Session 1881.

DETERMINATION No. 1.

(Made Wednesday, 19 October, 1881.)

GENERAL RULES FOR THE FORMATION OF PROVINCES AND
THE REGULATION OF MATTERS CONNECTED THEREWITH.

Bishop of Sydney to be Primate.

1.—Without prejudice, and subject to the position and rights of the present Bishop of Sydney as Metropolitan and Primate, the Bishop of Sydney for the time being shall, in conformity with the past history of the Church in Australia, and for the purposes of these Rules, be held to be Primate of the Dioceses constituting the General Synod, with all the powers and authorities conferred on the Primate by the Constitution of the General Synod, and by the Determinations thereof, and shall also be *ex officio* President of the General Synod.

Authority of Primate and Metropolitans.

2.—The Primate shall have such authority over the Metropolitans of Provinces formed under these rules and over the Bishops of Dioceses not included in any such Provinces as the General Synod may within the powers conferred on it by the Constitution from time to time determine. And the Metropolitans of Provinces formed under these rules shall have such authority over the Bishops of such Provinces as the General Synod may within the powers so conferred on it as aforesaid from time to time determine.

Bishop of Sydney, how elected.

3.—When the See of Sydney shall next become vacant the Dioceses within the Colony of New South Wales shall be treated as having been formed into a Province under these rules by the style of the Province of New South Wales the Bishop of Sydney being Metropolitan thereof.

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And on the See of Sydney becoming vacant the Synod of the Diocese shall nominate, in such manner as may to it seem expedient, three duly qualified persons to the Bishops of the said Province; and the said Bishops, or a majority of them, shall nominate two of such persons to the Bishops of Australia and Tasmania. And whichever of such two persons the said Bishops or a majority of them shall elect shall be Primate, and shall also be Metropolitan of the said Province and Bishop of Sydney. Provided always that it shall be competent for the Synod of the Diocese of Sydney, in place of the above nomination of three qualified persons, to appoint a Committee to act with the Bishops of the Province and with the Bishops of the Dioceses in Australia and Tasmania, or with Committees of such Bishops appointed by them respectively; and such Diocesan Committee and Bishops, or their Committees, shall have power by concurrent majorities to elect a duly qualified person who shall be Primate, and shall also be Metropolitan of the said Province, and Bishop of Sydney.

Provinces, how to be formed.

4.—When the Bishops, Clergy, and Laity of three or more Dioceses shall desire to be formed into a Province, such desire being evidenced by Resolutions duly passed by the Synods of the several Dioceses, they shall submit to the Primate proposals for the formation of the Province, which proposals shall include a provision if the Province is conterminat with a Colony, for making the Capital City of the Colony the See of the Metropolitan Bishop, and if the Province is not conterminat with a Colony then for leaving the determination of the See of the Metropolitan Bishop to the Bishops of the proposed Province or the majority of them. And the Primate shall forthwith bring such proposals before the Bishops of Australia and Tasmania and if the proposals are assented to by a majority of such Bishops, the formation of the Province shall take place; but if the proposals are

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not assented to by a majority of such Bishops, the matter shall be referred to the General Synod at its next Meeting, whether ordinary or specially called for the purpose of dealing with the reference.

5.—The formation of a Province shall be certified by means of a Declaration in writing under the hand and seal of the Primate and under the hands and seals of the Bishops of the Province to be formed. And there shall be annexed to such Declaration a Schedule containing the proposals for the formation of the Province as assented to, and the Province shall be taken to be formed from the date of the Declaration, which Declaration shall be executed in duplicate, one part to be kept in the Registry of the Diocese of Sydney, and the other part to be kept in the Registry of the Metropolitan Diocese of the Province.

Metropolitans, how to be elected.

6.—Whenever the See of the Metropolitan of a Province except in the case of Sydney shall become vacant the Synod of the Diocese shall nominate in such manner as may to it seem expedient two duly qualified persons to the Bishops of the Province. And whichever of such two persons the said Bishops or a majority of them shall elect shall be the Metropolitan and Bishop of the Metropolitan See. Provided always that it shall be competent for the said Synod in place of the above nomination of two qualified persons to appoint a Committee to act with the Bishops of the Province or with a Committee appointed by such Bishops, and such Diocesan Committee and the said Bishops or their Committee shall have power by concurrent majorities to elect a duly qualified person who shall be Metropolitan of the said Province.

Changes in Provinces.

7.—No change shall be made in a Province formed under these rules as to its extent or otherwise except

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with the sanction and under the direction of the General Synod.

Rule III of Determination I. (1872) repealed.

8.—Rule III. of Determination I. of General Synod Session 1872 is hereby repealed.

Provincial Synods, how formed.

9.—So soon as conveniently may be after the formation of a Province, the Bishops and Clerical and Lay Representatives of the Church in the several Dioceses of the Province shall meet under the presidency of the Metropolitan thereof, and shall agree upon the Constitution of the Provincial Synod of the said Province. But it shall not be necessary to the action of the Province or of the Metropolitan or Bishop thereof, that any such Constitution should have been first agreed upon.

10.—That such Constitution shall, as nearly as the circumstances of the case will permit, be framed on the plan of the Constitution of the General Synod. Provided always, that the powers of the Provincial Synod shall be limited to matters and things concerning the order and good government of the Church in the Province; and that no Ordinance or other Determination of the Provincial Synod shall contravene any Determination of the General Synod. And provided also that due provision shall be made to enable the Provincial Synod to accept the Determinations of the General Synod.

Interpretation Clause

11.—Wherever the words "Synod of the Diocese" are used in this Determination they shall be read as including the equivalent Body in Dioceses in which no Diocesan Synod exists.

(Determination amended by Determination II., 1886, Determination I., 1891, and Determination I., 1900.)