

# General Synod - Appellate Tribunal Canon Amendment Canon 1992 Adopting Ordinance 1993

## Explanatory Statement

### Introduction

1. The Appellate Tribunal is established under the constitution ("Constitution") of the Anglican Church of Australia being the schedule to the Anglican Church of Australia Constitution Act 1961. The Constitution is set out on pages 99 to 125 inclusive of *The Sixth Handbook*.
2. The function of the Appellate Tribunal is to hear appeals from a diocesan tribunal, a provincial tribunal or the Special Tribunal and to give opinions on any question or matter referred to it under the Constitution.
3. Section 57 of the Constitution provides that the Appellate Tribunal consists of 7 members, 3 being diocesan bishops and the other 4 being qualified laypersons appointed by the General Synod. A bishop and a layperson are each nominated by the house of bishops and house of clergy while the house of laity nominates one bishop and 2 laypersons.
4. The Appellate Tribunal Canon 1981, as amended by the Appellate Tribunal (Amendment) Canon 1981, contains provisions for the appointment of members to the Appellate Tribunal and the circumstances in which the house of a member becomes vacant and the filling of those vacancies. Both canons were adopted by the Sydney Synod in 1982.

### Canon No. 1 of 1992

5. The Appellate Tribunal Canon Amendment Canon 1992 (the "Canon") was passed by General Synod in 1992. The text of the Canon is set out in the Schedule to the bill.
6. The purpose of the Canon is to insert a new section 4A into the Appellate Tribunal Canon 1981. The new section provides that if the seat of any member of the Appellate Tribunal is or becomes vacant while General Synod is in session, the members of the house which nominated the member shall, at that session, nominate a person to fill the vacancy. The Appellate Tribunal Canon 1981 does not presently provide for this contingency.
7. The Canon may affect the good order and government of the church in this diocese. Under the Constitution, a canon which affects the good order and government of the church in this Diocese does not take effect in this Diocese until the Canon is adopted by the Synod, by ordinance.

### Recommendation

8. The Standing Committee recommends that the Synod adopt the Canon.

For and on behalf of the Standing Committee

MARK PAYNE  
*Legal Officer*

1 September 1993