

# **General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018**

No 29, 2018

## **Long Title**

An Ordinance to assent to Canon No 2, 2017 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney ordains as follows.

### **1. Name**

This Ordinance is the *General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018*.

### **2. Assent to Canon No 2, 2017**

The Synod assents to Canon No 2, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

## **Schedule**

The General Synod prescribes as follows:

### **Title**

1. This Canon is the Constitution (Appellate Tribunal) Amendment Canon 2017.

### **Continuing to hear part-heard matters**

2. After s 57(1) of the Constitution, insert:

"(1A) Despite s 57(1), the General Synod may by canon provide for -

- (a) 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 where that appeal, questions or matter will not be disposed of before the date on which the member's office is to be vacated, continuing as a member of the tribunal for the purposes only of participating in and concluding that appeal, question or matter even though the office of that member will for all other purposes be vacated on that date;
- (b) the appointment of a qualified person to take the place of a member who is unable to participate in the disposition of an appeal, question or matter (whether because that member's office is vacant, or the member is disqualified or for some other reason) for the purposes only of participating in the disposition of that appeal, question or matter; and
- (c) a person referred to in paragraph (b) who is participating in the disposition of an appeal, question or matter made or referred to the tribunal continuing to participate in the disposition of that appeal, question or matter until it is concluded.

(1B) A person participating in the disposition of an appeal, question or matter by virtue of a canon of the General Synod made under sub-section (1A) is not a member of the tribunal for the purposes of the first sentence in sub-section (1)."

### **Removal of right of co-option**

3. In section 57(2) of the Constitution the words "and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office" are repealed.

### **Repeal of Canon No 3 of 2010**

4. Canon No. 3 of 2010 (Constitution Amendment (Appellate Tribunal Part Heard Matters) Canon 2010) is repealed.

General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018

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

K SOWADA  
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 15 October 2018.

D GLYNN  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
18/10/2018