

*Provincial Synod Constitution.*

5/1907

AN ORDINANCE for accepting and adopting an Ordinance passed by the Provincial Synod of the Province of New South Wales on the seventh day of August one thousand nine-hundred and seven intituled "An Ordinance for agreeing to accepting and passing Articles and Provisions as and for the Constitution of The Provincial Synod of the Province of New South Wales."

*(Assented to 27 September, 1907.)*

WHEREAS a certain Ordinance was passed by the Provincial Synod of the Province of New South Wales on the seventh day of August one thousand nine hundred and seven intituled "An Ordinance for agreeing to accepting and passing Articles and Provisions as and for the Constitution of The Provincial Synod of the Province of New South Wales" a copy of which is contained in the Schedule annexed to this Ordinance. And whereas it is expedient that the said Ordinance shall be accepted and adopted by the Church in this Diocese. 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 within the State of New South Wales ordains and rules:—

1. That the said Ordinance and the Articles and Provisions 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 Ordinance and the Articles and Provisions therein contained and each and every of them had been ordained and ruled by the Synod of this Diocese.
2. The Ordinance for accepting and adopting a Con-

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stitution for The Provincial Synod of the Province of New South Wales as agreed to and accepted by the Bishops and Clerical and Lay Representatives of the Church in the several Dioceses of the said Province passed by the Synod of this Diocese on the twenty-third day of July one thousand eight hundred and eighty-five is hereby repealed but such repeal shall not prejudice or affect the operation of the said Ordinance or any proceeding matter or thing lawfully done or contracted to be done thereunder prior to the repeal thereof.

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SCHEDULE.

AN ORDINANCE for agreeing to accepting and passing Articles and Provisions as and for the Constitution of the Provincial Synod of the Province of New South Wales.

WHEREAS by the twenty-third of the Constitutions for the management and good government of the Church of England within the State of New South Wales as the same are contained in the Schedule to the "Church of England Constitutions Act Amendment Act of 1902" it is provided that the Bishops and Clerical and Lay Representatives of the Church in the several Dioceses in the said State shall meet in Provincial Synod under such Articles and Provisions as may have been or may be from time to time passed by the Provincial Synod and assented to by all the said Dioceses. And whereas it is now expedient to pass Articles and Provisions in substitution for any which may have been passed and assented to as aforesaid the Provincial Synod of the Province of New South Wales ordains and rules as follows:—

1. The several Articles and Provisions of the Constitution contained in the Schedule to this Ordinance shall be and the same are hereby agreed to accepted and

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passed as those under which the said Provincial Synod shall meet.

2. All Articles and Provisions which may have heretofore been passed by the Provincial Synod and accepted by all the said Dioceses as aforesaid are hereby repealed, but such repeal shall not prejudice or affect the operation of such last mentioned Articles and Provisions or any proceeding matter or thing lawfully done or contracted to be done thereunder prior to the acceptance of this Ordinance by all the said Dioceses.

3. This Ordinance may be cited as "The Provincial Synod Constitution Ordinance of 1907."

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SCHEDULE.

CONSTITUTION FOR THE PROVINCIAL SYNOD OF THE  
PROVINCE OF NEW SOUTH WALES.

*Provincial Synod to be constituted. Metropolitan.*

1. The Provincial Synod shall be constituted of the Bishops of all Dioceses within the State of New South Wales and of Clerical and Lay Representatives of the Church in the said Dioceses. And such Synod shall be called "The Provincial Synod of the Province of New South Wales." And the Bishop of Sydney for the time being shall be known and designated as Metropolitan.

*To consist of two Houses.*

2. The Provincial Synod shall consist of two Houses, namely the House of Bishops and the House of Representatives and both Houses shall sit together for deliberation and transaction of business, but shall on all occasions vote separately. Provided that if at any time either House shall desire to consult apart on any subject under consideration the further discussion of that sub-

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ject shall be postponed in order to afford each House an opportunity for such consultation.

*Representatives of Dioceses.*

3. To all future Provincial Synods every Diocese having under twenty-one Clergymen duly licensed to officiate within it shall be entitled to send four Clerical and four Lay Representatives and every Diocese having above twenty and under thirty-one such Clergymen shall be entitled to send six Representatives of each Order as aforesaid. And every Diocese having above thirty and under forty-one such Clergymen shall be entitled to send eight Representatives of each Order as aforesaid. And every Diocese having above forty and under fifty-one such Clergymen shall be entitled to send ten Representatives of each Order as aforesaid. And every Diocese having above fifty such Clergymen shall be entitled to send twelve Representatives of each Order as aforesaid. And the mode of electing or otherwise appointing such Representatives and of supplying any vacancies in the number of Representatives when elected or otherwise appointed shall be determined by the Synod of each Diocese. Provided always that every Clerical Representative shall be in Priest's Orders and duly licensed to officiate in the Diocese of which he is a Representative and that every Lay Representative shall be a male of the age of twenty-one years and a Communicant of the Church.

*When Synod to meet.*

4. A Session of the Provincial Synod shall be convened and held once in every third year after the year one thousand nine hundred and seven but the Metropolitan may at his own discretion and shall at the request in writing of a majority of the other Bishops of the said Dioceses convene at any time a Session of the Provincial

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Synod. Provided that the Metropolitan with the consent of a majority of the said Bishops may refrain from convening a Session of the Provincial Synod in any third year as aforesaid in which the General Synod of Australia and Tasmania is summoned to meet.

*Manner of convening Synod.*

5. For the purpose of holding any Session of the Provincial Synod the Metropolitan shall by writing under his hand and seal summon the Bishop of each of the said Dioceses to meet at such time and place as the Metropolitan may determine, and each of the said Bishops, including the Metropolitan, shall summon the Representatives of his Diocese to meet at such last mentioned time and place.

*President of Synod, etc.*

6. The Metropolitan, or in his absence the Bishop who is present senior in consecration, shall be President of the House of Bishops, and of the Provincial Synod. And the President may, with the concurrence of the Synod, adjourn the same. And the President may take part in any discussion and vote on any question or matter arising therein.

*Rules for Business, etc.*

7. The Provincial Synod shall have power to make rules for the conduct of all business coming before it, and the House of Representatives shall have power to make rules for trying the validity of the election or appointment of any person claiming to be a Representative member thereof.

*Powers of Synod.*

8. The Provincial Synod shall have power to make Ordinances upon and in respect of all matters and things

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concerning the order and good government of the Church in the Province. Provided that ... Ordinance save as is next hereinafter provided shall be binding upon the Church in any Diocese, unless and until such Ordinance shall be accepted by the Church in such Diocese by an Ordinance of its Synod. Provided however that any Rule or Ordinance passed by any Diocesan Synod to which the Bishop of that Diocese shall not assent may be the subject of reference by such Diocesan Synod to the Provincial Synod, and the decision of the Provincial Synod with reference thereto shall be binding on the Church in the Diocese so referring such Rule or Ordinance.

*Alteration of the Articles. etc., of the Church*

9. That no Rule Ordinance or Determination of the Provincial Synod shall make any alteration in the Articles Liturgy or Formularies of the Church except in conformity with any alteration which may be made therein by any competent authority of the Church of England in England.

*Nothing in contravention of Laws.*

10. No Rule Ordinance or Determination of the Provincial Synod shall be made in contravention of any law or statute in force for the time being in the said State.

*Synod may delegate powers.*

11. The Provincial Synod may appoint Committees either under special instructions or under such General Regulations as shall from time to time be laid down by the Synod for the purpose of carrying into effect any Ordinances and Rules which have been passed by the Synod.

*Mode of voting and Quorum.*

12. Every Ordinance of the Provincial Synod shall

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be made by a majority of the House of Bishops and by a majority of each Order in the House of Representatives. And the presence of at least three Bishops of the House of Bishops and of fifteen Clerical and fifteen Lay Representatives representing at least two Dioceses shall be necessary to constitute a quorum.

*Defects and errors as to elections, etc., not to vitiate proceedings.*

13. No Rule, Ordinance or Determination of the Provincial Synod shall be vitiated by reason of the non-election, or non-appointment, or non-summoning of any person necessary to be elected, or appointed, or summoned thereto respectively, or of any informality in or respecting any such election, appointment or summoning.

*Absence, etc., of Metropolitan.*

14. In the case of the death, absence from the State or incapacity of the Metropolitan, the functions of the Metropolitan under this Constitution shall be exercised by the Senior Bishop of the said Dioceses present in the State and able and willing to act, seniority being seniority of consecration.

*Absence, etc., of Bishop.*

15. In the case of the absence from the State of the Bishop of any of the said Dioceses (including the Diocese of Sydney) the functions of the Bishop of such Diocese under this Constitution shall subject to any provisions made in that behalf by the Synod of such Diocese be exercised by a Commissary appointed by him, and in case no such Commissary shall have been appointed or the See be vacant or the Bishop be incapable of acting or unable to act, such functions shall be exercised by the person who shall then be the next in Ecclesiastical rank or degree in such Diocese and resident therein. Provided that it shall not be competent for anyone save one

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of the said Bishops to sit in the House of Bishops or to exercise the functions of the Metropolitan.

*Alteration of Constitution.*

16. The Provincial Synod may from time to time pass Articles and Provisions altering this Constitution saving clauses nine and ten thereof. Provided that no such article or provision shall have any force or effect unless and until it has been assented to by each of the said Dioceses by an Ordinance of its Synod.

*Ordinances to be transmitted to the Archbishop of Canterbury.*

17. A copy of every Ordinance passed by the Provincial Synod shall be sent by the Metropolitan to the Archbishop of Canterbury.

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