

# **General Synod - Chancellors Canon 2001 Adopting Ordinance 2002**

No 53, 2002

An Ordinance to adopt Canon No 4, 2001 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains -

## **1. Name of Ordinance**

This Ordinance is the General Synod - Chancellors Canon 2001 Adopting Ordinance 2002.

## **2. Adoption of Canon No 4, 2001**

Canon No 4, 2001 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule, is adopted.

### **Schedule**

A canon to provide for the appointment of chancellors and for other purposes.

The General Synod prescribes as follows:-

#### **Title**

1. This Canon may be cited as the "Chancellors Canon 2001".

#### **Office of Chancellor**

2. (1) The chancellor of a diocese is the principal confidential adviser to the bishop of the diocese in legal and related matters.
  - (2) Subject to the chancellor's overriding duty to the bishop, the chancellor may provide advice to the synod and other agencies of the diocese.
  - (3) The chancellor may preside in the diocesan tribunal as deputy president, if appointed so to do by the bishop pursuant to section 54(1) of the Constitution of the Anglican Church of Australia.
  - (4) The chancellor has such other powers duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, the constitution of a diocese, canons or ordinances.

#### **Qualifications**

3. (1) A person to be appointed as a chancellor -
  - (a) shall be a communicant member of the Anglican Church of Australia, and
  - (b) shall be or shall have been
    - (i) a Justice of the High Court of Australia, a Justice of the Federal Court of Australia or the

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Family Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia, a Judge of the Family Court of Western Australia, a Judge of a District or County Court of a State or Territory of Australia, or a Justice of a Court prescribed by canon of the General Synod; or

- (ii) a barrister or solicitor of at least seven years standing of the Supreme Court of a State or Territory; or
  - (iii) a graduate in law and a teacher of law of at least seven years standing as such holding the position of Senior Lecturer or above in law at a University in Australia.
- (2) When making an appointment, the bishop of a diocese should, wherever possible, be satisfied that the person to be appointed has a sound working knowledge of the law and polity of the Anglican Church of Australia.

### **Appointment and Tenure**

4. (1) Whenever a vacancy occurs, a chancellor may be appointed by the bishop of the diocese and the appointment shall be under seal in the form contained in the Schedule or in some other appropriate form.
- (2) A chancellor ceases to hold office at the end of the period for which he or she was appointed or at the end of six months after the installation of the successor to the appointing bishop, whichever occurs first, unless appointed to the position of chancellor by that successor within that period.
- (3) Notwithstanding the provisions of subsection (2), a chancellor -
- (a) may resign the office by notice in writing to the bishop; and
  - (b) may be removed from office by the bishop.

### **Deputy chancellor**

5. The Bishop may appoint a deputy chancellor, by whatever title, either as a continuing office or to act in the absence of the chancellor or during a vacancy in the office of chancellor. Sections 3 and 4 (2) and (3) shall apply to a deputy chancellor.

### **Oaths and declarations**

6. A chancellor and a person appointed to act as deputy chancellor, before that person enters upon the execution of the office, is required to take and subscribe before the bishop of the diocese or a person nominated by the bishop entitled to administer an oath:
- (a) the following oath or affirmation:

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"I, AB, do swear that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office: So help me God."; or

"I, AB, do solemnly and sincerely affirm that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office."

and

- (b) such other oaths and declarations as are usual in the diocese in the case of senior appointments.

### **Saving provision**

- 7. (1) Subject to subsection (2), this canon shall not apply so as to call into question in any respect whatsoever the qualification, mode of appointment, tenure of office, decisions or actions of any person appointed a chancellor in a diocese prior to the date of adoption of this Canon by such diocese.
- (2) A Chancellor or Deputy Chancellor appointed before this Canon comes into force in a diocese shall cease to hold office in accordance with the provisions of section 4 of this Canon.

### **Repeal of Canons**

- 8. If in any diocese Canons 127 and 128 of the Canons of 1603 continue to have or may have any force or operation, the adoption of this Canon by ordinance of the synod of the diocese shall effect the repeal of those Canons in that diocese.

### **Inconsistency**

- 9. If this Canon is inconsistent with the constitution of a diocese in which this Canon comes into force then such constitution shall prevail to the extent of the inconsistency.

### **Canon affects order and good government**

- 10. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

### **The Schedule**

**LET IT BE KNOWN** that I A.B., by Divine Providence, Bishop/Archbishop of X, do appoint C.D. [state qualifications] to be my Chancellor in the Diocese of X, to hold and exercise that Office for the term of ..... and subject to the Chancellors Canon 2001 of the General Synod of the Anglican Church of Australia, **AND**, subject to the provisions of the law of the Anglican Church of Australia having force in this Diocese and to the Constitution and Ordinances of the Diocese from time to time in force, do grant and confirm in C.D. the authority jurisdiction rights and powers of the office of Chancellor

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and to do and perform all things pertaining to such office as may be prescribed or permitted by law or custom in this Diocese.

**IN WITNESS WHEREOF** I have caused my seal to be affixed and have signed this document as a deed this day of 20

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

PG KELL  
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 22 October 2002.

CJ MORONEY  
MA PAYNE  
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
23/10/2002