

General Synod - Constitution of a Diocese Alteration Canon 1995 Adopting Ordinance 2002

Explanatory Statement

Introduction

1. Section 13 of the Schedule to the Anglican Church of Australia Constitution Act 1902 (the "1902 Constitution") provides that the articles and provisions of the 1902 Constitution may be amended by an ordinance -

- (a) passed by the Provincial Synod of the Church in the Province of New South Wales; and
- (b) adopted by the synod of each diocese in that Province,

if the amendment is ratified by, or made in accordance, a canon of the General Synod of the Church.

2. The Constitution of a Diocese Alteration Canon 1995 gives a diocese in the Province the power to unilaterally amend the 1902 Constitution as it applies in that diocese.

3. Clause 2 of the canon provides that the constitution of a diocese may be altered by the synod of a diocese by ordinance -

- (a) passed by a two-thirds majority in both the house of laity and the house of clergy of the synod; and
- (b) confirmed by resolution of synod within 3 years; and
- (c) assented to in writing by the bishop.

4. Clause 3 of the canon provides that an alteration to the constitution of a diocese made under the canon takes effect on and from the date on which it is assented to by the bishop or a later date if so provided for in the ordinance.

5. The canon must be adopted by the Synod by ordinance before it has affect in Sydney. The bill is promoted to enable the Synod to adopt the canon.

Recommendation

6. The Standing Committee recommends that Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee

ROBERT WICKS
Legal Officer

20 June 2002