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*Constitution of Provincial Synod.*

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1/1885

AN ORDINANCE for accepting and adopting a Constitution 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.

*(Assented to 30 July, 1885.)*

WHEREAS the Bishops and Clerical and Lay Representatives of the Church in the several Dioceses forming the Province of New South Wales being assembled under the Presidency of the Metropolitan of the said Province in the month of October last agreed to and accepted a Constitution for the Provincial Synod of the said Province as required by Rule 9 of Determination I. of General Synod Session 1881 a copy of which Constitution is contained in the Schedule annexed to this Ordinance. And whereas it is expedient that the said Constitution shall be accepted and agreed to 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 United Church of England and Ireland within the Colony of New South Wales ordains and rules: That the said Constitution and the 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 be applicable be applied to the management and government of the Church in this Diocese in like manner as if the said Constitution and the provisions therein contained and each and every of them had been ordained and ruled by the Synod of this Diocese.

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[SCHEDULE.]

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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 limits of the Province 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

This Ordinance for accepting and adopting a Constitution for the Provincial Synod of the Province of New South Wales, assented to 30 July, 1885, was repealed by Ordinance assented to 27 September, 1907, page 597.

metropolitan convening the first session thereof subject to be sooner dissolved as hereinafter provided.

*To consist of two Houses.*

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

*Representatives of Dioceses.*

5. To all future Provincial Synods every Diocese having under twenty-one Clergymen duly licensed to officiate

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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 Church in 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 of the age of twenty-one years and a Communicant of the Church.

*Time and manner of holding.*

6. A period of not more than three years shall elapse between the Sessions of the Provincial Synod 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 summon at any time a Session of the Provincial Synod. And for the purpose of holding any Session of the Provincial Synod the Metropolitan shall by writing under his hand and seal summon the Bishops of each of the said Dioceses and also require such Bishops to convene Representatives of the Church in his Diocese at such time and place as the Metropolitan may deem fit.

*President.*

7. The Metropolitan or in his absence the senior Bishop

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present shall be President of the House of Bishops and of the Provincial Synod. And the President may with the concurrence of the Synod prorogue and dissolve the same. And the President may take part in any discussion and vote on any question or matter arising therein.

*Rules for Business.*

8. 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.*

9. The Provincial Synod shall have power to make Ordinances and Determinations upon and in respect of all matters and things concerning the order and good government of the Church in the Province including the acceptance of any Determination of the General Synod subject to the provisions hereinafter contained. Provided that no Ordinance or other Determination of the Provincial Synod shall contravene any Determination of the General Synod. And provided that such Ordinances or Determinations as are passed without reference from any Diocesan Synod shall not be binding upon the Church in any Diocese unless and until such Ordinance or Determination shall be accepted by the Church in such Diocese. And the mode of accepting in any Diocese the Ordinances and Determinations of the Provincial Synod shall be laid down by the Church in such Diocese. Provided that if any matter be referred to the Provincial Synod by any Diocesan Synod the decision of the Provincial Synod shall be binding on the Diocese so referring the same.

*Prohibition to alter Articles and Liturgy.*

10. That no Rule Ordinance or Determination of the

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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.

*Delegation of 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 Determinations which have been passed by the Synod.

*Mode of Voting.*

12. Every Ordinance or Determination of the Provincial Synod shall be made by a majority of both Houses thereof, and in every division of the House of Representatives voting shall be by Orders. And the presence of at least three Bishops and one-third of the Clerical and one-third of the Lay Representatives of at least two Dioceses shall be necessary to constitute a meeting of the Provincial Synod.

*Power to alter manner of holding meetings, etc.*

13. The Provincial Synod may make Rules altering the manner hereinbefore provided for holding Meetings of the Synod and altering the number of Clerical and Lay Representatives to be respectively summoned to any future Synod as Members of the House of Representatives. Provided that the number of Lay Representatives of the Church in any Diocese so summoned shall never be less than the number of Clerical Representatives thereof. And the Provincial Synod may make Rules necessary for carrying all such alterations as aforesaid into effect.

*Defects not to vitiate proceedings.*

14. No Rule or Ordinance of the Provincial Synod shall

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be vitiated by reason of any informality in or want of representation of any Diocese.

*Absence, etc., of Bishop.*

15. In the case of the death absence or incapacity of the Metropolitan his functions shall be exercised by the senior Bishop of the Dioceses of the Province. And in case of the absence of any Suffragan Bishop his functions under this Constitution shall subject to any provisions made in that behalf by the Church in his 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 incapable, such functions shall be exercised by the person who shall then be the next in Ecclesiastical Rank or degree in his Diocese and resident therein. Provided that it shall not be competent for any one to sit in the House of Bishops in the stead of a Bishop.

*Alteration of Constitution, how to be made.*

16. This Constitution except Clause 10 may be altered by the Provincial Synod, which shall have power to make Ordinances altering it, provided that every such Ordinance shall have been first approved of at one Session of the Provincial Synod, forthwith communicated to the several Diocesan Synods, and assented to by at least two-thirds of such Dioceses as shall have adopted this Constitution, and finally passed at the succeeding Session of the Provincial Synod.

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