

# **THE CONSTITUTION ACT 1904-2019**

The Constitution Act of the Diocesan Synod of the Branch of the Anglican Church of Australia in that Part of the State of Western Australia known as the Diocese of Bunbury.

Passed at the Synod on 23 September 1904. Amended with minor amendments from time to time and re-organised at the Synod of 1991 and amended at the Synods of 2001, 2002 and 2005.

## **Preamble**

In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

Whereas it is desirable that the members of the Anglican Church of Australia, in the Diocese of Bunbury, in the State of Western Australia, should be associated together by voluntary compact as a branch of the said church for the ordering of the affairs, the management of the property, the promotion of the discipline of members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the aforesaid Diocese to the glory of Almighty God and the edification and increase of the church of Christ, and whereas the Synod of the Diocese of Perth did, at its Session, held on or about the 23 day of November, in the year of our Lord, 1903, constitute the said Diocese of Bunbury, and did authorise the Synod thereof to have and exercise in regard to the said Diocese all authority, rights and privileges which appertained to the Synod of the Diocese of Perth:

Now, therefore, the Bishop, Clergy and Laity of the said Diocese of Bunbury in Synod assembled do solemnly declare and establish as follows:

This branch of the Anglican Church of Australia in the Diocese of Bunbury doth hold and maintain the doctrine and sacraments of Christ as the Lord hath commanded in His Holy Word, and as the said Church of Australia hath received and explained the same in the Book of Common Prayer, in the form and manner of making, ordaining, and consecration of bishops, priests, and deacons, and in the xxxix Articles of Religion.

Provided that nothing herein contained shall prevent the Synod from accepting any such alteration of the formularies and version of the Bible as may from time to time be adopted by the General Synod of the Anglican Church of Australia.

## **1. Composition of Synod**

The Synod shall consist of:

- (a) The Bishop of the Diocese.
- (b) The licensed clergy of the Diocese.
- (c) Two lay members elected by each duly recognised Parish of the Diocese in accordance with the Parochial Statute.
- (d) The Chancellor, Advocate, Treasurer, Registrar and Secretary of the Diocese.
- (e) Any Trustee or Bishop-in-Council member who does not otherwise qualify for membership of Synod.
- (f) The principal of each church school within the Diocese and another lay member appointed by the school council.
- (g) Not more than two lay members of each instrumentality of the Anglican Church present within the Diocese and as defined by Bishop-in-Council.
- (h) Not more than six additional members appointed by Bishop-in-Council.

The failure of any parish or instrumentality to elect members of Synod or of the Council to make up the numbers shall not prevent the Synod from proceeding to the despatch of business nor vitiate in any way the proceedings of Synod.

Each member of Synod having attained the age of 18 years shall be a confirmed communicant member of the Anglican Church of Australia and shall have signed the declaration in the form provided in the Schedule of this Act before attending Synod.

## **2. Boundaries of Parishes**

Until the boundaries of parishes shall have been defined by Synod, the Bishop of the Diocese shall assign temporarily boundaries to each parish with a view to the election of members of Synod.

## **3. Electors**

Every person of the age of 18 years who shall have signed a declaration as a Voting Parishioner in the following form:

"I declare I am a baptized, communicant member who:

- a) Has regularly attended public worship for at least three months in a parish within the Diocese; and
- b) Has attained the age of 18 years; and
- c) Has taken communion at least three times in the parish in the preceding 12 months; and
- d) Has elected to be on the parish electoral roll of this parish and no other except with the approval of the Bishop;

e) Who is a member of the Anglican Church; or, is a

member of another Christian Church (delete as appropriate) and who is a member of this parish and no other;

shall be qualified to vote at the election of the members of Synod.

#### **4. Manner of Elections**

The Synod shall fix the manner of representation and the time for the election of members of Synod, and shall make provision for the appointment of returning officers and for issuing, executing, and returning the notices for the election of members of Synod, and for the mode of voting at such elections, and for the filling of vacancies occasioned by death, resignation, or otherwise, and for determining the validity of disputed returns, and generally ensuring the orderly, effective, and impartial conduct of such elections.

#### **5. Length of Term**

Lay members of Synod shall be elected for a period of three years except in the case of members elected by the Diocesan Council to make up numbers who shall hold office only for the session to which they are elected, and except in the case of special elections prescribed in Section 6 of this Constitution.

#### **6. Absence, Resignation and Vacancies**

If any lay member of Synod shall be absent throughout any session of Synod without having obtained the leave of the President, or if any lay member shall become incapacitated by reason of mental or physical infirmity, or be convicted of any criminal offence, the seat of that member shall thereby be vacated.

Any lay member of Synod may, by writing under the lay member's hand, addressed to the Bishop of the

Diocese, resign the lay member's seat in Synod. In the event of such vacancy, or on the receipt of such resignation by the Bishop, the necessary steps shall be taken for the election of a member of Synod, who, in all things pertaining to the office and tenure of a member of Synod, shall occupy the position formerly occupied by the member of Synod whose place the lay member fills.

## **7. Place and Timing of Synod**

The place and time for the meeting of Synod shall be fixed by the Bishop of the Diocese. There shall be a General meeting of the Synod in every year, provided that, if in the opinion of the Bishop, such meeting is not necessary, it may be allowed to lapse for the space of one year, but no longer. A Special Meeting, which the Bishop shall have the power to summon, shall be convened at the Bishop's discretion, or on the written requisition of one-fourth of the Clerical and one-fourth of the lay members of Synod.

## **8. Quorum of Synod**

The presence of the Bishop of the Diocese, or the Administrator, as the case may be, and of ten of the clerical and of twenty of the lay members of the Synod shall be necessary to constitute a quorum.

## **9. Seating and Voting**

The Bishop, the clergy, and the lay members of Synod shall sit together in Synod and debate together, and the clergy and the lay members of Synod shall vote together except as hereinafter provided.

## **10. Voting by Houses**

(a) Any two of the Clergy present, or any four of the \_\_\_\_\_ lay members of Synod present may require,

before any division, that the votes shall be taken by Houses, in which case the votes shall be so taken.

- (b) No proposition shall be regarded as adopted by the Synod when the votes are taken by Houses unless the same be carried by a majority of each House present and voting and be assented by the Bishop.

If a proposition be carried by a majority of both Houses, voting separately or together, and the Bishop be doubtful whether the Bishop will assent to or dissent from the same, the Bishop may delay the Bishop's decision for not longer than three months. If the Bishop should then dissent from it, all action thereupon shall be suspended until the next annual or special meeting of Synod, and should such proposition be then confirmed by two-thirds of each of the Houses present and voting, and the Bishop still dissent, it shall be referred to the provincial council - if such constituted - whose decision shall be final. If there be no provincial council, appeal shall be made to the Primate, who, together with two Godly and learned persons, appointed by the Primate, shall sit and decide the matter in appeal, and their decision, or the decision of the majority, of whom the Primate shall be one, shall be final.

## **11. Amendments to the Statutes**

It shall be lawful for the Synod at any time to amend any word or sentence, or the whole clause of any statute, without revising or repealing the rest of the said statute. Provided that the word or sentence or whole clause so amended pass through the same form as is required for the passing of a statute by the Synod, and that a printed copy of all such amendments passed be supplied to all members of Synod.

## **12. Absence of the Bishop**

In case of the absence of the Bishop, or during the vacancy of the See by resignation or death, the Synod may be convened by the Administrator, or if there be no administrator, then by the senior dignitary, and the convener shall preside over the meeting of Synod thus convened.

## **13. Standing Orders**

The Synod at every successive Session shall accept as in force the standing orders ruling in the preceding Session, power being reserved for their amendment.

## **14. Alteration to the Constitution**

It shall not be competent for the Synod to make any alteration in the Constitution herein adopted unless notice shall have been given at a previous Session at least twelve months prior to the motion of alteration being brought forward, and it shall not be competent for the Synod to pass such motion unless affirmed by three-fourths of the members present. As regards the preamble adopted, no provision is made for its alteration except insofar as may be necessary to bring this Constitution into conformity with the Constitution of the Anglican Church of Australia.

## **15. Gender**

In this Statute, so far as the context may require, words importing the masculine gender shall be deemed to include the feminine gender.

**SCHEDULE**

To be signed by:

- (a) All members of Synod.
- (b) The appointed lay persons to the Bishop-in-Council.
- (c) Those, who are not members of Synod, but are appointed to any Council of the Diocese.

I/WE

(1) ..... (Name) ..... (Address) .....

(2) ..... (Name) ..... (Address) .....

(3) ..... (Name) ..... (Address) .....

(4) ..... (Name) ..... (Address) .....

in the parish or parochial district of .....  
having been appointed or elected as a

- (1) .....
- (2) .....
- (3) .....
- (4) .....

do solemnly declare that I/we will perform all the duties of the said office and I/we accept and solemnly promise to observe the Statutes passed or to be passed by the Synod of the Diocese.

AND I/WE FURTHER DECLARE that I/we am/are a Voting Parishioner/s within the twelve months preceding this Declaration.

DATED this ..... day of..... 20.....

SIGNATURE

WITNESS

.....

.....

.....

.....