

A CANON TO RATIFY THE AMENDMENT AND CONSOLIDATION OF THE CONSTITUTION OF THE PROVINCE OF WESTERN AUSTRALIA 1985

Whereas:

- (a) On the twenty-fourth day of February 1984 the Synod of the Province of Western Australia approved a Canon to amend and consolidate the Constitution of the Province of Western Australia entitled "Constitution of the Province of Western Australia 1914-1984", a copy whereof is set out in the Schedule hereto.
- (b) The Synod of each Diocese of the Province has by Ordinance assented to that Canon of the Synod of the Province and consented to the amendment and consolidation of the Constitution of the Province in accordance therewith.
- (c) On the twenty-first day of February 1985 the Synod of the Province of Western Australia in accordance with constitutional requirements resolved that the Canon be adopted.

Now therefore the General Synod prescribes as follows:

1. The amendment and consolidation of the Constitution of Western Australia pursuant to the Canon of the Synod of the Province of Western Australia set out in the Schedule to this Canon is hereby ratified under Section 41 of the Constitution.
2. This Canon may be cited as the "Province of Western Australia (Constitution Amendment and Consolidation) Canon 1985".

THE SCHEDULE
A CANON
TO AMEND AND CONSOLIDATE THE
CONSTITUTION OF THE PROVINCE OF
WESTERN AUSTRALIA

Short Title

1. This Canon may be cited as the Constitution of the Province 1914-1984.

Commencement Date

2. This Canon shall come into operation on the date on which it is ratified by Canon of General Synod under the provisions of the Constitution of Anglican Church of Australia and the Constitution of the Province of Western Australia 1914-1975.

Definitions

3. In this Canon unless the contrary intention appears:

“the Church” means the Anglican Church of Australia.

“Communicant” means member of the Church who shall have received the Holy Communion not less than three times within the preceding year and who is aged 18 years or older.

“the Council” means the Provincial Council of the Province.

“Diocese” means a diocese within the Province.

“Dioceses” means the dioceses forming the Province.

“Former Constitution” means the Constitution of the Province of Western Australia 1914-1975.

“the Metropolitan” means the person duly appointed Metropolitan under the provisions of this Constitution and his successors in office and, except when otherwise provided, or when the context otherwise indicates, the Senior Bishop in the event of the death of the Metropolitan, or of his resignation, absence, incapacity, suspension pending trial, or of his then being under judicial sentence or if by reason of any other cause the Metropolitan See be vacant.

“President” means the Metropolitan acting as President of the Council.

“the Province” means the Province of Western Australia.

“the Senior Bishop” means the Senior Diocesan Bishop of the Province by order of consecration, resident in Western Australia, and in the case of his unwillingness to act or of his absence, incapacity suspension pending trial, or of his then being under judicial sentence the Diocesan Bishop next in seniority to him in the Province by order of consecration, resident in Western Australia.

In so far as the context may require words of the masculine gender in this Canon shall be construed as including the feminine gender and words of the feminine gender shall be construed as including the masculine gender.

Repeal

4. The provisions of the Former Constitution to the extent they are inconsistent with the provisions of this Canon are repealed.

The Province

5. The Province shall consist of the Dioceses which have their Sees within the State of Western Australia.

The Metropolitan

6. The Bishop of the Diocese of Perth shall be Metropolitan of the Province.
7. During any vacancy in the office or incapacity of the Metropolitan or during his absence from the Province for a period exceeding thirty days the authorities, powers, rights and duties of the Metropolitan under this Constitution shall be exercised by the Senior Diocesan Bishop of the Province at the time in the Province able and willing to act, seniority being determined by the date of consecration.

The Council

8. There shall be a Provincial Council of the Province of which shall:
 - (a) Be called the Provincial Council of the Province of Western Australia, and
 - (b) Replace the Provincial Synod in the Province.
9. (1) The Council shall consist of:
 - (a) (i) The Metropolitan,
 - (ii) The other Diocesan Bishops of the Province,
 - (iii) The secretaries of each of the dioceses,
 - (iv) The lay trustees of the Province who shall hold office ex officio, and

- (b) Two clerical and two lay representatives of each Diocese.
 - (2) Clerical representatives shall be in Priest's Orders and licensed therein.
 - (3) Lay representatives shall be Communicants.
 - (4)
 - (a) Clerical and lay representatives of a diocese shall be elected or appointed for such periods, at such times and in such manner, and
 - (b) Any vacancy however caused in the seat of a representative shall be filled in such manner as may from time to time be prescribed by or under the constitution of the dioceses.
10. Upon the election or appointment of a representative of a diocese the Secretary of the diocese shall forward to the Secretary of Council:
- (a) Full particulars of the name and address of the representative, and
 - (b) Full particulars of any change in such name and address upon having notice thereof.
11. (1) The Council shall subject to the Canons of the General Synod of the Anglican Church of Australia have the power to:
- (a) Legislate by Canon upon and in respect of the following matters concerning the order and good government of the Church in the Province:

- (i) The constitution of an appellate tribunal.
- (ii) The taking of measures for promoting intercommunion with other branches of the Holy Catholic Church in the Province, so far as is consistent with the principles doctrine law and order of the Church.
- (iii) The regulation of the relations of the Church with other Christian organisations so far as is consistent with the principles doctrine law and order of the Church.
- (iv) The promotion of Mission at home and overseas.
- (v) The promotion of religious and secular education.
- (vi) The education and training of candidates for Holy Orders.
- (vii) The holding and administration of real and personal property.
- (viii) The assessment of the Dioceses by the Standing Committee for all costs charges and expenses from time to time of and incidental to the carrying into effect of the Constitution and Canons of the Council the Registry of the Province of each Session of the Council and the meetings of the Standing Committee and for the payment of each Diocese of the proportion thereof as shall from time

to time be determined by the Standing Committee.

- (ix) Any other matter referred to the Council by the Diocesan Synods.
- (b) Make rules prescribing anything necessary or convenient for carrying out and giving effect to any Canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing:
 - (i) The procedure for any election or appointment to be made by or under the authority of the Council to any office.
 - (ii) The authorities powers rights and duties of any Officer committee board or commission of the Council.

A rule shall be made by resolution after notice has been duly given in accordance with the standing orders.

- (c) Regulate the conduct of its business under standing orders or otherwise as it may deem proper.
- (d) Deliberate upon and make statements upon all matters affecting the interests of the Church in the Province.
- (e) Make such enquiries as it deems requisite.

- (f) Communicate with and make such petitions and representations as it deems fit to the Government and other bodies and persons or any of them.
- (g) Take such action with reference to State and public affairs as it considers desirable.
- (h) Confer with and co-operate with other Christian bodies on such subjects and at such times as it deems fit.
- (i) From time to time appoint representatives of the Province to ecumenical bodies.
- (j) Exercise such powers and perform such functions as may from time to time be committed to it by ordinance by each diocese.
- (k) Provide from the funds available to it for costs charges and expenses of or in connection with the holding of meetings, the performance of its functions and the exercise of its powers and when it deems fit to levy each diocese on an equitable basis agreed upon from time to time by ordinance by each diocese for the costs charges and expenses aforesaid not otherwise provided for.
- (l) Exercise such powers and perform such functions as are powers or functions of or are conferred on a provincial synod or a provincial council by or under the Constitution of the Anglican Church of Australia or by General Synod.

(m) From time to time revoke or amend any resolution determination decision rule or canon made by the Council or the former Synod of the Province.

(2) Subject to Section 11 (1) (1) nothing in Sub-section (1) shall operate to restrict or limit the authority functions or powers of a diocesan synod unless in a particular case that diocesan synod otherwise expressly provides.

Committees

12. The Council:

(a) Shall appoint from among its own members a Standing Committee of the Council, and

(b) May appoint and revoke the appointment of other committees comprising such persons as the Council determines, and

subject to the Constitution of the Anglican Church of Australia may delegate to any such committee such of the powers and functions of the Council as it thinks fit.

Meetings of the Council

13. The Metropolitan shall convene the Council at least once in every two years and shall also convene the Council whenever requested in writing to do so by any diocesan bishop or by a majority of the representatives for the time being of any diocese.

14. The Council shall meet in Perth or such other place as the Metropolitan at any particular time shall determine. Except with the concurrence of the Metropolitan and of the diocesan bishops the Council shall be convened by notice in writing posted in the case of ex officio

members to the member's official address and in the case of elected members to the address of the member most recently notified to the Secretary pursuant to Clause 10 hereof; the notice shall specify the date hour and place appointed for the meeting. No meeting or resolution or other action of the Council shall be vitiated by reason only that any person to be elected appointed or summoned has not been elected appointed or summoned or by reason only of any informality with respect to the electing appointment or summoning.

15. Minutes shall be kept of the proceedings at all meetings of the Council and such minutes and all other records (if any) concerning the Province shall be kept at such place as the Metropolitan may from time to time direct.
16. At every meeting of the Council the President shall if willing preside but he shall have the right to appoint another diocesan bishop of the Province to preside for any period during which he does not wish to do so.
17. No business shall be transacted at any meeting of the Council unless eleven members of the Council including one clerical and one lay representative of each diocese and one diocesan bishop of the Province be present.
18. (1) The business to be transacted at a meeting of the Council shall be discussed and voted upon by the members present sitting and voting together.

(2) No question before the Council shall be deemed to be resolved:

(a) Unless it be resolved in the affirmative by a vote of the majority of the members present; or

- (b) Where the Council resolves that a question be resolved by a vote by Orders unless it be resolved in the affirmative by:
 - (i) A vote of the majority of the diocesan bishops present;
 - (ii) A vote of the majority of the clerical representatives present; and
 - (iii) A vote of the majority of the lay representatives present.

19. The President with the concurrence of the Council may permit observers to be present at any meeting of the Council.

Officers

20. (1) The Secretary of the Diocese of Perth shall be the Secretary of the Council.
- (2) The Council may:
- (a) From time to time appoint and revoke the appointment of such other officers as it determines;
 - (b) Prescribe the duties of the Secretary of the Council and such other officers;
 - (c) Authorise the opening, the closing and conduct of bank accounts; and
 - (d) Generally regulate its affairs and the affairs of any committee appointed by it in such manner and in all respects as it shall think fit.

Diocesan Bishops

21. During any vacancy in the office or incapacity of the diocesan bishop of any diocese or during the absence from his diocese of a diocesan bishop of the Province for a period exceeding thirty days the authorities powers rights and duties (including membership of the Council) conferred or imposed on him by his Constitution other than the authorities powers rights and duties appertaining to the office of Metropolitan shall be exercised by the person appointed by or under the Constitution of his diocese to administer the affairs thereof but nothing in this Section confers on a person who is not a bishop a right under Section 18 to vote as a bishop.

Canons

22. All Canons shall be numbered in regular arithmetical series each year beginning with the number one in the order in which they were passed and shall be distinguished by a short title and be described as of the year in which they were passed.
23. All Canons shall be forthwith promulgated by the President of the council by notice in writing under his hand and seal, addressed to the Provincial Bishops, and shall, when so promulgated, be binding thereafter upon all the Dioceses in the Province unless objected to by a motion carried in the next Session of the synod of any diocese of the Province when it shall cease to be binding on that Diocese.

See of Perth

24. (a) Whenever the See of Perth shall become vacant the Committee appointed by the Synod of the Metropolitan Diocese for that purpose (hereinafter called "the Committee") shall meet to consider the

choice of a new Metropolitan. All meetings of the Committee shall be held in the See City of the Metropolitan Diocese and the first of such meetings shall be convened by the Administrator of the said Diocese who shall preside thereat and at all other meetings of the Committee. If the Administrator shall be a candidate for election then while his candidature is under discussion the Committee shall elect a chairman from amongst its members who shall have a deliberative but not a casting vote.

- (b) Before the first meeting of the Committee is held each of the diocesan bishops of the Province shall be invited by the Administrator of the Metropolitan Diocese to submit in writing names of persons he thinks should be considered for the appointment.
- (c) The nomination of candidates for election may be made by any members of the Committee after consideration of the names submitted by the diocesan bishops.
- (d) No person shall be elected as Metropolitan until he has received a majority of the votes of the clerical members and a majority of the votes of the lay members of the Committee.
- (e) In the event of a failure to elect within a period of nine calendar months from the date of the vacancy of the See the election shall vest in the Metropolitans of the Church as convened by the Primate of the Church.
- (f) When a person has been elected as Metropolitan the Administrator of the Metropolitan Diocese shall transmit the name of such person together with a certificate of his election to the Senior

Bishop for communication within seven days to the other diocesan bishops of the Province.

- (g) The diocesan bishops or a majority of them shall within fifteen days satisfy themselves as to the canonical fitness of the person so elected.
- (h) If the diocesan bishops or a majority of them shall be so satisfied the Senior Bishop shall within a further fourteen days submit the name of such person together with the certificate of his election to the Primate of the Church for confirmation as required.
- (i) If the diocesan bishops or a majority shall not be so satisfied the Senior Bishop shall within the said fourteen days give notification accordingly to the said Administrator the said election shall be null and void and proceedings shall be taken under this Constitution as if the vacancy in the See had occurred at the time of such notification.
- (j) When an election has been confirmed as required the person so elected (subject to his consecration if necessary) shall be the Metropolitan and Bishop of the Metropolitan See and shall be entitled to exercise the functions of such Metropolitan as from the date of his enthronement in the Cathedral Church of the Metropolitan See.

Dioceses

25. Whenever the formation of a new diocese by the division of a diocese into two or more dioceses has been ratified by the Council, each of the dioceses affected thereby shall be subject to the Constitution and Canons of the Province and also to the Statutes of the diocese so divided except as local circumstances may prevent, unless and until the said Statutes shall be amended,

altered or repealed by the diocesan synod of the new diocese.

26. Whenever the formation of a new diocese out of two or more existing dioceses has been ratified by the Council, the new diocese shall be subject to the Constitution and Canons of such of the said existing dioceses as shall be specified in the order of ratification until the same shall be altered by the synod of the new diocese.

Diocesan Synods

27. Whenever in this Constitution, the words "diocesan synod" occur, in a diocese where no diocesan synod is yet formed, the bishop shall have all the power and rights thereof.

Alterations

28. Subject to the Constitution of the Anglican Church of Australia:
 - (a) The Province may be altered by an increase or a decrease in the number of dioceses, and
 - (b) This Constitution may be altered in any respect whatsoever by a Canon for that purpose which firstly shall be approved by Council then by resolution thereof communication by the President to each of diocesan synods in the Province through their bishop then at their next ordinary or special meeting assented to by at least two-thirds of the dioceses and finally adopted at the next succeeding meeting of the Council by a vote by Orders in the affirmative.

Consolidation

29. When this Constitution or any Canon of the Council is amended it shall be printed as amended and the sections of the amended Constitution or Canon renumbered consequential to any repealed or additional section or sections.

Transitional

30. All persons things and circumstances appointed or created and all ordinances made by or under the Former Constitution as existing immediately before the coming into force of this Canon shall under and subject to this Canon continue to have the same status operation and effect as it would have had if the Former Constitution had remained in full force and effect and as if the Council and the Standing Committee of the Council were respectively one and the same with the Provincial Synod and the Standing Committee of Provincial Synod constituted by and under the Former Constitution.

THE CONSTITUTION OF THE PROVINCE OF WESTERN AUSTRALIA 1914-1986 ASSENT STATUTE 1986

Whereas at the Ordinary Session of the Provincial Council of the Province of Western Australia held 12 August 1986 a Canon to amend the Constitution of the Province of Western Australia 1914-1984 (hereinafter referred to as "the Constitution") was approved and has by resolution of that Provincial Council been communicated by its Present to the Synod of this Diocese through the Bishop.

Pursuant to Section 28 of the Constitution the assent of at least two-thirds of the Dioceses of the Province of Western Australia is necessary before the Canon can be finally adopted by the Provincial Council.

Be it therefore enacted by the Bishop Clergy and Laity of the Diocese of Bunbury in Synod assembled:

1. This Synod hereby assents to the Canon of the Provincial Council set out in the schedule hereto.
2. This Statute be cited as the "Constitution of the Province of Western Australia 1914-1986 Assent Statute 1986".

SCHEDULE
A BILL FOR A CANON TO AMEND THE
CONSTITUTION OF THE PROVINCE OF
WESTERN AUSTRALIA
Canon No. 2 of 1986

Whereas it is deemed desirable that the quorum for a meeting of Provincial Council of the Province of Western Australia be retained at eleven persons including one diocesan bishop and one clerical and one lay representative of each diocese of the Province.

And whereas it is deemed expedient that the clerical and lay representatives forming the quorum be either ex officio or elected members of Provincial Council of the diocese concerned.

Be it therefore resolved by the Bishops Clergy and Laity of the Province of Western Australia in Provincial Council Assembled.

1. In this Canon the Constitution of the Province of Western Australia 1914-1984 is cited as "the Principal Canon".
2. Section 17 of the Principal Canon is repealed and re-enacted as follows:

"17. No business shall be transacted at a meeting of the Council unless eleven members of the Council including one clerical and one lay representative of each diocese being either an ex officio or elected member of the Council, and one diocesan bishop of the Province be present"

3. The Principal Canon as amended by this Canon may be cited as the "Constitution of the Province of Western Australia 1914-1986".
4. This Canon may be cited as the "Constitution of the Province of Western Australia 1914-1984 Amendment Canon 1986" – Canon No 2 of 1986.