

**ATTACHMENT 2**

THE CONSTITUTION

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**THE SYNOD OF THE ANGLICAN CHURCH OF AUSTRALIA  
IN THE DIOCESE OF WILLOCHRA INCORPORATED**

**PREAMBLE**

WHEREAS it is expedient to provide for the regulation management and more effectual development of the affairs of this Church in the Diocese of Willochra.

NOW THEREFORE the following Constitution has been agreed upon and adopted for the government of the said Church by the Right Reverend The Bishop of Willochra by the Reverend the Clergy of the Diocese and by the Lay Representatives to Synod.

**DECLARATION**

The Diocese of Willochra in South Australia is an integral part of the Church known as "The Anglican Church of Australia" and accepts and agrees to the Constitution of the General Synod of the said Church.

**CHAPTER I - PRELIMINARY**

1. (1) The Constitution and Canons I - VII 1915 - 1972 now in force in the Diocese of Willochra are hereby repealed.
- (2) Such repeal shall take effect as from the date on which this Constitution comes into effect but shall not
  - (a) affect any appointment rule order power licence or authority made exercised or given by such repealed provisions or
  - (b) revive anything not in force or existing at the time at which such repeal takes effect or
  - (c) affect the previous operation of any of the provisions so repealed or anything duly done or suffered thereunder or
  - (d) affect any right privilege obligation or liability acquired accrued or incurred under any such repealed provisions or
  - (e) affect any forfeiture penalty or punishment incurred in respect of any ecclesiastical offence committed against any such repealed provision or
  - (f) affect any investigation proceedings or remedy in respect of any of such right privilege obligation liability penalty forfeiture or punishment aforesaid.
- (3) Notwithstanding the repeal effected by subsection (1) of this section the members of The Synod as at the date on which this Constitution comes into effect elected in accordance with the provisions of the Constitution and Canons hereby repealed shall be deemed to be members of The Synod under the provisions of this Constitution.
2. The name of the Association shall be "The Synod of The Anglican Church of Australia in The Diocese of Willochra Incorporated".
3. The object of The Synod is to provide for the order and good government of The Anglican Church of Australia within the boundaries of the Diocese in accordance with the provisions of the said Constitution of The Anglican Church of Australia or any amendment thereof.
4. The Diocese is a member diocese of the said The Anglican Church of Australia and where this Constitution or any Regulation made thereunder is inconsistent with the Constitution of The Anglican Church of Australia or any Canon or Rule made thereunder and which is in force in or applies to or has

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force and effect in or is not excluded from operation within the Diocese the latter shall prevail and the former shall to the extent of the inconsistency have no effect.

5. The provision of this Constitution and of every Regulation and resolution of The Synod respecting the affairs of The Anglican Church of Australia within the Diocese including all advowson and right of patronage (so far as it may be lawful for The Synod so to provide) shall be binding on The Bishop the clergy every member of this Church and every person in communion therewith residing within the Diocese but only so far as such Regulation or resolution may concern the position rights duties and liabilities of any cleric or member of this Church or any person in communion therewith with respect to ministry membership or communion or may concern the advowson or right of patronage in or management of the property of The Anglican Church of Australia within the Diocese.

**CHAPTER II - THE SYNOD**

6. The Synod shall consist of:

The Bishop

The Chancellor

The Registrar who shall also be the Public Officer

The Diocesan Treasurer

All Clergy licensed by The Bishop

Lay members of Synod representing each parish of the Diocese elected in such manner as shall be determined by Regulation.

7. (1) Subject to the provisions of this Constitution the Synod shall have the following powers:
- (a) To make alter and repeal regulations and resolutions relating to the order and good government of The Anglican Church of Australia within the Diocese and without limiting the generality of the foregoing to make Regulations in respect of:
    - (i) the election or appointment of lay members of Synod
    - (ii) the election of a bishop
    - (iii) the regulation of the proceedings of the Diocesan tribunal the recognition organization and administration of parishes
    - (v) the provision of long service leave and other benefits to clergy
    - (vi) the election of representatives to the General Synod of The Anglican Church of Australia
    - (vii) the conduct of proceedings of The Synod
    - (viii) the appointment or election of officers and dignitaries
    - (ix) the appointment and regulation of committees
    - (x) the assessment and collection of moneys from parishes and other bodies within the Diocese
    - (xi) the adoption or exclusion of any Canon of The General Synod of The Anglican Church of Australia
    - (xii) The Willochra See Endowment Fund;
  - (b) To purchase take on lease or in exchange hire or otherwise and hold any real or personal

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- property including any rights and privileges;
- (c) To erect buildings and to remove repair reconstruct alter improve add to and demolish any buildings or structures now or hereafter vested in The Synod;
  - (d) To sell exchange lease let mortgage pledge hire dispose of turn to account or otherwise deal with all or any of the real and personal property of The Synod upon such terms and either with or without valuable consideration as The Synod may in its absolute discretion deem proper;
  - (e) To accept donations whether real or personal estate and devises and bequests whether or not such donations devises or bequests are subject to any trusts;
  - (f) To raise or borrow money and secure the repayment thereof in grants mortgages charges and securities upon or charging all or any of the property whether real or personal present or future of The Synod and to redeem or pay off either wholly or in part any existing or future security;
  - (g) To receive moneys on deposit current account or otherwise with or without allowance of interest and to receive on deposit title deeds leases and other securities of any description;
  - (h) To lend or advance money to any person or body either at interest or without interest and with or without security and in particular to persons, parishes and organizations within the diocese and generally to receive hold invest and lay out moneys or securities for money upon and subject to such terms and conditions without any restrictions whatever as The Synod may determine;
  - (i) To give any guarantee in relation to mortgages loans investments and securities whether made or effected or acquired through the agency of The Synod or otherwise and generally to guarantee or become surety for the performance of any contracts and obligations;
  - (j) To invest and deal with the moneys of The Synod not immediately required upon such securities and in such manner as may from time to time be determined by The Synod and for that purpose to acquire and hold shares stocks debentures debenture stock bonds obligations securities or notes issued or guaranteed by any company or corporation constituted or carrying on business in Australia and debenture stock bonds obligations and securities issued or guaranteed by any government commission public body or authority municipal local or otherwise in Australia and to acquire any such shares stock debentures debenture stock bonds obligations notes or securities by original subscription tender purchase exchange or otherwise and to guarantee the subscription thereof and to exercise and enforce all rights and powers conferred by and incidental to the ownership thereof;
  - (k) To hold and administer any property on trust;
  - (l) To appoint regulate and dissolve such committees for such purposes as The Synod may from time to time determine;
  - (m) To delegate to any person or body any right authority or power conferred upon or exercisable by The Synod save and except the making altering or

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repealing of any regulation and the exercise of any right authority or power to which The Synod shall by Regulation declare that this paragraph shall not apply;

- (n) To employ and dismiss such officers and employees as may from time to time be required;
  - (o) To do all such things as may be required by the provisions of any trust deed relating to Church property or the exercise of patronage;
  - (p) To do such other acts matters or things as shall be or may appear to be incidental or conducive to the order and good government of The Anglican Church of Australia in the Diocese.
7. (2) Nothing herein contained shall be deemed to restrict or in any way limit the powers conferred upon the Synod by virtue of the provisions of the Associations Incorporation Act 1956 - 1965 or by any other law of the State of South Australia or the Commonwealth of Australia.
8. (1) No person shall vote for the election of a lay member of Synod unless at the time of such election that person:
- (a) is a communicant and
  - (b) is a member of a congregation in the parish or ministry district for which the election is conducted and
  - (c) shall have signed a declaration in the form contained in the first schedule hereto and
  - (d) has attained the age of eighteen years.
- (2) No person shall be elected a lay member of Synod pursuant to the provisions of Section 6 of this Constitution unless at the time of such election that person:
- (a) is a communicant and
  - (b) is a member of the parish in or for which the election is conducted and
  - (c) has attained the age of eighteen years.
- The election shall not be effective until that person shall have signed a declaration in the form contained in the third schedule hereto.
- (3) A person shall cease to be a lay member of Synod if that person:
- (a) by notice in writing to the Registrar resigns or
  - (b) ceases to be a communicant or
  - (c) without leave of The Bishop fails to attend any session of The Synod and The Bishop declares the seat to be vacant.
9. (1) Lay members of Synod shall be elected or appointed for a period of three years unless The Synod is dissolved in the exercise of The Bishop's discretion.
- (2) Lay members of Synod shall be elected or appointed in such manner as The Synod shall by Regulation determine and not withstanding section 9 (1) shall hold office until their successors are appointed.
- (3) Any vacancy among the lay members of Synod shall be filled in such manner as The Synod shall by Regulation determine.
- (4) The Registrar shall keep a register of all members of Synod. Unless The Synod shall otherwise determine such register shall be conclusive evidence as to whether any person is entitled to be a member of The Synod and whether that person has been duly and lawfully elected or appointed.
10. (1) The Synod shall meet at least once in every calendar year.

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- (2) The Synod shall meet at such other times as the Bishop shall determine.
- (3) The Synod shall meet if the Diocesan Council shall so recommend when requested in writing by any ten members of The Synod representing not less than five parishes. Any such request shall be directed in writing to the Registrar.
11. A quorum of The Synod shall comprise not less than one third of the total number of clergy and not less than one third of the total number of lay members of Synod entitled to be present.
12. At every meeting of The Synod The Bishop or a person nominated by The Bishop shall preside. In the absence of The Bishop the Administrator or in the absence of the Administrator the senior Archdeacon able and willing to act or if there be no such person present the next senior cleric licensed to an office in the Diocese able and willing to act shall preside. Seniority shall be reckoned from the date of appointment as Archdeacon or appointment to an office in the Diocese as the case may be.
13. (1) Except as otherwise provided in this Constitution or in the election of a Bishop the decision of Synod shall be the decision of the majority of those persons present and voting. The president of Synod whenever The Synod does not vote by orders shall have a casting as well as a deliberative vote.
- (2) Except as otherwise provided in this Constitution any member of Synod may at any time before a vote is taken require a vote by orders.
- (3) In the event of a vote by orders being required the question shall be put first to the lay members of Synod voting separately then to the clergy voting separately and then to The Bishop if present and no question shall be deemed to be resolved in the affirmative unless it is so resolved by a vote of the majority of those present in each of the orders of lay members of Synod and clergy and by The Bishop if present.
- (4) All questions concerning the appropriation of funds within the control of The Synod shall be decided by a majority of The Synod not voting by Orders.
14. (1) The Synod may proceed to the despatch of its business notwithstanding the failure of any parish to provide for its representation or any casual vacancy among the lay members of Synod and notwithstanding a vacancy in the office of Bishop or Registrar.
- (2) No Regulation or exercise of power of The Synod shall be vitiated by reason only of the fact that any person elected appointed or summoned to The Synod has not been elected appointed or summoned by reason only of any informality with respect to the election appointing or summoning.
15. A Regulation shall be made altered or repealed by resolution passed in accordance with the following procedure:-
- (1) Unless The Synod shall otherwise determine a copy of the resolution shall have been sent to each member of Synod no less than fourteen days before the first day of the session of Synod at which the resolution is to be presented.
- (2) The resolution when passed shall come into effect immediately unless The Bishop be absent or the See be vacant in which case it shall come into effect only when it is confirmed at a subsequent call of the Synod.

**CHAPTER III - THE DIOCESAN COUNCIL**

16. There shall be a Diocesan Council which shall consist of:

The Bishop

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the Chancellor

the Registrar

the Treasurer

the Dean

the Archdeacon(s)

so many members of The Synod as The Synod shall by Regulation determine.

17. The Diocesan Council shall be a council of advice to the Bishop and subject to the provisions of the several Regulations of The Synod and to any general or special direction of The Synod shall have power in the name and on behalf of The Synod to exercise or perform all or any of the rights authorities and powers of The Synod save and except the making altering or repealing of any part of the Constitution or of any Regulation and the exercise of any right authority or power to which The Synod shall by Regulation declare that this section shall not apply.
18. The election or appointment of members to and the regulation of the affairs of the Diocesan Council shall be prescribed by Regulation of The Synod.

**CHAPTER IV - PARISHES**

19. For the purpose of this constitution a parish shall consist of members of this Church –
  - (1) who reside and worship within a specified area or who by reason of their other association shall be desirous of becoming a parish and
  - (2) shall have been recognised as such by The Synod in such a manner as The Synod shall by Regulation determine.
20. The conditions for recognition of a parish and for termination of such recognition and the qualifications of people for membership of such parish shall be determined and may be varied from time to time in such manner as the Synod shall by Regulation determine.
21. The fee simple or any other right title or interest of the Synod of any parish or of any member of this Church in any land used for the purpose of this Church within the Diocese shall be vested in The Synod or in such other trustee or trustees as The Synod shall approve.

**CHAPTER V - THE SEAL**

22. The Sealholders of The Synod shall comprise The Bishop and six members of The Synod of whom not less than two shall be clergy and not less than three shall be lay members of Synod and who shall be appointed by the Diocesan Council.
23. Any deed instrument or document required to be made or executed under the seal of The Synod shall be deemed not to be duly made or executed unless at least two of the sealholders for the time being shall have countersigned the same.
24. The seal shall not be affixed to any deed instrument or document without the authority of the Diocesan Council. The Bishop together with the Registrar or the Treasurer may give written authority to affix the seal when the Diocesan Council is not sitting.

**CHAPTER VI - AMENDMENT OF THE CONSTITUTION**

25. This Constitution may be amended or repealed by measure passed in accordance with the following procedure:
  - (1) A copy of the measure shall have been sent to each member of Synod not less than fourteen days before the first day of the session of Synod at which the measure is to be presented.

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- (2) Voting on the measure shall be by orders in accordance with the provisions of Section 13 of this Constitution provided that the measure shall be deemed not to have passed unless it is agreed to by two thirds of those present in each of the orders of lay members of Synod and clergy and by The Bishop and unless it is confirmed in like manner at a subsequent session of Synod.

**CHAPTER VII - MISCELLANEOUS**

26. In this Constitution and in Regulation unless the context or subject matter otherwise indicates:

"The Administrator" means the administrator of the Diocese during any incapacity or absence from the Diocese of The Bishop or during any vacancy of the See and shall be the person appointed by The Bishop or if no such appointment has been made the senior Archdeacon of the Diocese able and willing to act or if there be no such person the next senior cleric licensed to an office in the Diocese able and willing to act. Seniority in this clause shall be reckoned from the date of appointment as Archdeacon or appointment to an office in the diocese as the case may be.

"Archdeacon" means a person appointed to such office by The Bishop and who shall have such powers and functions as The Bishop may from time to time determine.

"The Bishop" means The Bishop of the Diocese for the time being and shall except for the purposes of Sections 12 13 15 and 25 of this Constitution include the Administrator during any incapacity or absence from the Diocese of The Bishop or during any vacancy of the See.

"Chancellor" means the person appointed to such office by The Bishop in accordance with the Chancellors Canon of the General Synod of The Anglican Church of Australia.

"Cleric (plural "Clergy")" means a bishop priest or deacon holding a licence under the seal of The Bishop

[ i ] to the position of Parish Priest

[ ii] as an assistant in a Parish or Ministry District

[iii] as a District Priest in a Ministry District

[iv] to exercise either a particular or general ministry within the Diocese.

"Communicant" means a member of this Church who receives the Holy Communion not less than three times in the year including at least once during the season of Easter.

"Dean" means the person appointed by the Bishop as senior resident cleric of the Cathedral of the Diocese and holding the bishop's licence for the office of Dean.

"The Diocese" means the Diocese of Willochra.

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"Lay member of Synod" means a member of The Synod other than The Bishop and Clergy and includes if The Synod shall by Regulation provide for the appointment or election of such person a Reserve Lay member of Synod.

"Member of this Church" means a baptised person who attends public worship of The Anglican Church of Australia and who declares membership of the said Anglican Church of Australia and of no Church which is not in communion with this Church.

"Parish" includes parishes or such other pastoral or administrative units within the Diocese as The Synod may from time to time by Regulation determine.

"Person in Communion" means a person who is not a member of The Anglican Church of Australia but is admitted to the Holy Communion in terms of the General Synod "Admission to Holy Communion" Canon 1973 namely having been baptised in the name of the Holy Trinity and being a communicant member of another Church which professes the Apostolic Faith.

"Registrar" means the Registrar for the time being of the Diocese appointed in such manner as The Synod shall by Regulation determine.

"The Synod" means The Synod of The Anglican Church of Australia in the Diocese of Willochra Incorporated.

"This Church" means The Anglican Church of Australia.

"Treasurer" means the Treasurer for the time being of the Diocese appointed in such manner as the Synod shall by Regulation determine.



THE FIRST SCHEDULE [Section 8 (1)]

I, \_\_\_\_\_,

DO HEREBY DECLARE

- 1. That I am a member of The Anglican Church of Australia and of no Church which is not in communion with this Church;
- 2. That I am a member of \_\_\_\_\_  
[insert name of parish or ministry district]
- 3. That I have received the Holy Communion not less than three times during the preceding twelve months including at least once during the season of Easter.

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

If Under 18 Date of Birth : \_\_\_\_/\_\_\_\_/\_\_\_\_

THE SECOND SCHEDULE [Section 26]

I, \_\_\_\_\_

DO HEREBY DECLARE

1. That I am a Person in Communion with The Anglican Church of Australia in terms of the Admission to Holy Communion Canon 1973 I am baptised in the name of the Holy Trinity and I am a Communicant member of the \_\_\_\_\_ Church which professes the Apostolic faith;

2. That I am a member of \_\_\_\_\_ [insert name of parish or ministry district] having been admitted to the Vestry of the Congregation of \_\_\_\_\_ in \_\_\_\_\_ ;

3. That I have received the Holy Communion not less than three times during the preceding twelve months including at least once during the season of Easter.

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

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**THE THIRD SCHEDULE [Section 8 (2)]**

I, \_\_\_\_\_,

DO HEREBY DECLARE

1. That I am a member of The Anglican Church of Australia and of no Church which is not in communion with this Church;
2. That I am a communicant of the said Church;
3. That I have received the Holy Communion not less than three times during the preceding twelve months including at least once during the season of Easter.

4. That I am a member of \_\_\_\_\_ ;

[insert name of parish or  
ministry district]

5. That I have attained the age of eighteen years;
6. That I submit to and agree to be bound by the Constitution of The Synod of The Anglican Church of Australia in the Diocese of Willochra Incorporated and every Regulation made thereunder from time to time in force;

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_