

Serial No. 104.

No. 1 of 1980

AN ACT

To consent to the Alteration of the Constitution of the Province of Victoria.

BE IT ENACTED by the Archbishop, the Clergy and the Laity of the Church of England in Australia within the Diocese of Melbourne in Victoria duly met in Synod according to law as follows:

1. This Act may be cited as the Province of Victoria Constitution Act 1980.

2. This Diocese assents to the Ordinance of the Synod of the Province of Victoria entitled "Ordinance for Reconstituting the Province of Victoria 1979", a copy of which is set out in the Schedule hereto and the Diocese consents to the alteration of the Constitution of the Province in accordance with that Ordinance.

SCHEDULE

Ordinance for Reconstituting the Province of Victoria 1979.

AN ORDINANCE OF PROVINCIAL SYNOD

To reconstitute the Province of Victoria and for other purposes.

The Provincial Synod of the Province of Victoria prescribes as follows:

1. This Ordinance may be cited as the "Ordinance for Reconstituting the Province of Victoria 1979".
2. Subject to the prior consent thereto of all the dioceses of the province by ordinance of the synod of each such diocese, the Constitution of the Province of Victoria as at the date of this ordinance and the Constitution of the Provincial Synod of Victoria as agreed to and accepted on the 14th day of November A.D. 1905 shall be altered and shall thereafter, subject to the Constitution of the Church of England in Australia, be as set out in the Schedule to this ordinance.

SCHEDULE

CONSTITUTION OF THE PROVINCE OF VICTORIA

DEFINITION OF PROVINCE

1. The Province of Victoria shall consist of the dioceses which have their see cities within the State of Victoria.

METROPOLITAN

2. The bishop of the Diocese of Melbourne shall be Metropolitan of the province.
3. 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.

PROVINCIAL COUNCIL

4. There shall be a Provincial Council of the Province of Victoria (hereinafter called the Council).

5. (1) The Council shall consist of —
 - (a) (i) the Metropolitan
 - (ii) the other diocesan bishops of the province
 - (iii) all bishops appointed to the office of assistant bishop by a diocesan bishop of the province who shall hold office *ex officio*, and
 - (b) (i) 8 clerical and 8 lay representatives of the Diocese of Melbourne, and
 - (ii) 2 clerical and 2 lay representatives of each other diocese of the province.
- (2) (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 diocese.
6. Upon the election or appointment of a representative of a diocese the Registrar of the diocese shall forward to the Secretary of the Council full particulars of the name and address of the representative and the Registrar shall forward to the Secretary full particulars of any change in such name and address upon having notice thereof.
7. (1) The functions and powers of the Council shall be
 - (a) To deliberate upon and make statements upon all matters affecting the interests of the Church in the province.
 - (b) To make such enquiries as it deems requisite.
 - (c) To communicate with and make such petitions and representations as it deems fit to the Government and other bodies and persons or any of them.
 - (d) To take such action with reference to State and public affairs as it considers desirable.
 - (e) To confer with and co-operate with other Christian bodies on such subjects and at such times as it deems fit.
 - (f) From time to time to appoint representatives of the province to ecumenical bodies.
 - (g) To exercise such powers and to perform such functions as may from time to time be committed to it by ordinance by each diocese of the province.

- (h) To 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 of the province on an equitable basis agreed upon from time to time by ordinance by each diocese of the province for the costs charges and expenses aforesaid not otherwise provided for.
 - (i) To exercise such powers and perform such functions as are powers or functions of or are conferred on a provincial synod by or under the Constitution of the Church of England in Australia or by General Synod.
 - (j) From time to time to revoke or amend any resolution determination decision rule or ordinance made by the Council or the former Synod of the Province of Victoria.
- (2) Subject to Sub-section (1) (i), nothing in Sub-section (1) shall operate to restrict or limit the authority functions or powers of a synod of a diocese of the province unless in a particular case that synod otherwise expressly provides.

COMMITTEES

8. 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 Church of England in Australia may delegate to any such committee such of the powers and functions of the Council as it thinks fit.

MEETINGS OF PROVINCIAL COUNCIL

- 9. 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.
- 10. The Council shall meet in Melbourne 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 6 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.

11. 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.
12. At every meeting of the Council the Metropolitan or the diocesan bishop for the time being exercising the powers of the Metropolitan 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.
13. No business shall be transacted at any meeting of the Council unless fifteen members of the Council including one clerical and one lay representative of each diocese of the province and three diocesan bishops of the province be present.
14. 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.

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 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.

OFFICERS

15. The Council

- (a) shall from time to time appoint and may revoke the appointment of
 - (i) a Secretary and
 - (ii) such other officers as it determines;
- (b) may prescribe the duties of such Secretary and other officers;
- (c) may authorise the opening the closing and conduct of bank accounts; and
- (d) may generally regulate its affairs and the affairs of any committee appointed by it
in such manner in all respects as it shall think fit.

DIOCESAN BISHOPS

16. During any vacancy in the office or incapacity of the diocesan bishop of any diocese of the province 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 this 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 14 to vote as a bishop.

ALTERATIONS

17. Subject to the Constitution of the Church of England in Australia
- (a) The province may be altered by an increase or a decrease in the number of dioceses forming the province, and
 - (b) this Constitution may be altered in any respect whatsoever
- by a resolution of a majority of the members of the Council confirmed by ordinance of not less than three quarters of the Synods of the dioceses in the Province.

TRANSITIONAL

18. All persons things and circumstances appointed or created and all ordinances made by or under the constitution of the

Province of Victoria and the constitution of the Provincial Synod of Victoria (hereinafter called the former Constitutions) as existing immediately before the coming into force of this constitution shall under and subject to this constitution continue to have the same status operation and effect as they respectively would have had if the former Constitutions had remained in full force and effect and as if the Provincial Council and the Standing Committee of the Provincial Council were respectively one and the same with the Provincial Synod and the Standing Committee of Provincial Synod constituted by and under the former Constitutions.

THE CONSTITUTION OF THE CHURCH OF ENGLAND IN AUSTRALIA

19. This Constitution shall be always subject to the Constitution of the Church of England in Australia.

[Passed 30th September, 1980 — Assented to 9th October 1980]

(Ordinance Passed 19th November, 1979)