

THE CONSTITUTION OF THE DIOCESE OF THE MURRAY OF THE ANGLICAN CHURCH OF AUSTRALIA

as adopted by the Synod of 14th February 1973; and as amended by the Measure passed by the Synod on 17th August 1981, amended 1990, amended 1998, amended 2021.

Preamble

WHEREAS by “The Diocese of The Murray Formation Canon of 1969” the General Synod of the Church of England in Australia (now known as “The Anglican Church of Australia”) ratified the formation of the Diocese of The Murray comprising the territory lying within the boundaries therein described AND RATIFIED the Constitution of the Diocese as set forth in paragraphs 2 to 15 both inclusive and Schedule A of a certain “Canon X - of the Diocese of The Murray” (being an ordinance of the Synod of the Diocese of Adelaide) annexed to the said The Diocese of The Murray Formation Canon of 1969.

AND WHEREAS by virtue of Paragraph 5 of the said “Canon X - of the Diocese of The Murray” so much of the Constitution of the Diocese of Adelaide as is comprised in the Preamble, Declaration, Canons, Regulations and Compact of the Diocese of Adelaide and as was in force at the date when the Diocese of The Murray was deemed to come into existence and as was applicable to and capable of having effect in the Diocese of The Murray (with such modifications nevertheless as are more particularly set forth in the said Paragraph 5) was incorporated in the Constitution of the Diocese of The Murray until the Synod of this Diocese should otherwise determine. NOW THE SYNOD HEREBY DETERMINES

CHAPTER 1 – PRELIMINARY

Effect of Constitution

1. (1) From and after the passing of this Canon and subject as hereinafter in this Section 1 hereof is provided so much of the Constitution of the Diocese of Adelaide comprised in the Preamble, Declaration, Canons, Regulations and Compact of the last-mentioned Diocese (as modified in the manner set forth in Paragraph 5 of “Canon X - of the Diocese of The Murray” annexed to “The Diocese of The Murray Formation Canon of 1969” of the General Synod of the Church of England in Australia (now known as “The Anglican Church of Australia”) as is incorporated in the Constitution of this Diocese shall cease to be so incorporated to the intent that neither the said Constitution of the Diocese of Adelaide nor the said Preamble, Declaration, Canons, Regulations, Compact nor any part thereof nor any modifications thereof whether set forth in the said Paragraph 5 or heretofore effected by the Synod shall have any further force or effect within this Diocese.
- (2) The provisions of sub-section (1) of this Section
 - (a) shall not affect the operation of Canon XI of the Province of South Australia which is hereby deemed to be an Ordinance of the Synod
 - (b) until the Synod shall by Ordinance otherwise determine shall not affect the operation of Regulation VI of the Mode of Making Altering or Repealing Canons or Regulations which shall be deemed to extend to the making of an Ordinance or the operation of Regulation X - Standing Orders.
 - (c) shall not affect the operation within the Diocese of such of the Determinations of the General Synod of the Dioceses in Australia and Tasmania and such of the Canons of the General Synod of the Church of England in Australia (now known as “The Anglican Church of Australia”) as have hitherto been accepted, adopted and assented to as the case may be by the Synod which Determinations and Canons are more particularly set forth in the first Schedule hereto.

- (3) The repeal effected by sub-section (1) of this Section shall take effect as from the passing of this Canon but shall not:
 - (a) affect any appointment rule order power license 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 provisions, or
 - (f) affect any investigation proceedings or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment aforesaid.
- (4) From and after the passing of this Canon, the following provisions shall take effect as part of the Constitution of the Diocese.

Membership of the Anglican Church of Australia

2. The Diocese is a member diocese of the said The Anglican Church of Australia and where these provisions or any Ordinance made hereunder 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 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.

Operation of the Constitution

3. The Constitution of the Diocese and every ordinance 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 clergymen and every member of the Church residing within the Diocese but only so far as such ordinance or resolution may concern the position right duties and liabilities of any clergymen or members of the Church or any person in communion therewith with respect to his 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.

Name of the Association

4. The name of the Association and governing body of the Diocese shall be The Synod of the Diocese of The Murray of the Anglican Church of Australia Incorporated (herein referred to as "the Synod") which is incorporated under the provisions of "The Associations Incorporation Act 1985".

CHAPTER II - THE SYNOD

Object

5. 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.

Composition of Synod

6. The Synod shall consist of:
 - (a) The Bishop
 - (b) The Chancellor
 - (c) The Registrar who shall also be the Public Officer of the Synod
 - (d) Clerical members of Synod as Synod by Ordinance shall determine.
 - (e) Lay members of Synod as Synod by Ordinance shall determine.
 - (f) Such other persons (if not already members of the Synod) as may be appointed to the Diocesan Council pursuant to the provisions of Section 2 of the Diocesan Council Ordinance

Provided however that the members of the Synod as at the date on which this Canon is passed, elected in accordance with the provisions of the Canons and Regulations hereby repealed shall continue to be the Members of the Synod until the Synod shall be dissolved by the Bishop.

Powers of Synod

7. (1) Except as herein otherwise provided the Synod shall have the following powers:
 - (a) To make alter and repeal ordinances 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 ordinances in respect of -
 - i. the election or appointment of lay Synodsmen,
 - ii. the election of a bishop,
 - iii. the constitution, jurisdiction, powers and procedure of the Diocesan tribunal referred to in the Constitution of The Anglican Church of Australia,
 - iv. the recognition, organisation and administration of parishes,
 - v. the provision of long service leave and other benefits to clergymen,
 - 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;
 - (b) To purchase take on lease or in exchange, hire or otherwise acquire and hold any real or personal property including any rights and privileges;
 - (c) To erect buildings and to renovate 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;
 - (e) To accept donations whether of real or personal estate and devices and bequests whether or not such donations devices or bequests are subject to any trusts;

- (f) To raise or borrow money and secure the repayment thereof in such manner as the Synod shall think fit with power to issue debentures, grant mortgages, charges or 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 titles 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 organisations 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 restriction 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 or elsewhere and debentures debenture stock bonds obligations and securities issued or guaranteed by any government commission public body or authority, municipal, local or otherwise in Australia or elsewhere 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 subscribe for the same either conditionally 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 persons or body any right authority or power conferred upon or exercisable by the Synod save and except the making altering or repealing of any Ordinance and the exercise of any right authority or power to which the Synod shall by Ordinance declare that this paragraph shall not apply;
 - (n) To employ or 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 all 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.
- (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 1985 or by any other law of the State of South Australia or the Commonwealth of Australia.

Lay members of Synod

8. (1) No person shall vote for the election of a lay Synodsmen unless at the time of such election he:
 - (a) is a communicant
 - (b) is a member of the parish in or for which the election is conducted
 - (c) shall have signed a declaration in the form contained in the second schedule hereto, and
 - (d) has attained the age of eighteen years.
- (2) No person shall be elected a lay Synodsmen pursuant to the provisions of Section 6 (e) hereof unless at the time of such election he:
 - (a) is a communicant
 - (b) is a member of the parish in or for which the election is conducted, and
 - (c) has attained the age of eighteen years and his election shall not be effective until he shall have signed a declaration in the form contained in the third schedule hereto.
- (3) A person shall cease to be a lay Synodsmen if:
 - (a) by notice in writing to the Bishop he resigns, or
 - (b) he ceases to be a communicant, or
 - (c) he is convicted of a crime punishable by imprisonment or death, and the Bishop declares his seat to be vacant, or
 - (d) without leave of the Bishop he fails to attend any Session of the Synod and the Bishop declares his seat to be vacant.

Term of Office

9. (1) Lay Synodsmen shall be elected or appointed for a period of three years or until such earlier time as the Bishop may in his discretion dissolve the Synod and shall be elected or appointed in such manner as the Synod shall by Ordinance determine and shall hold office until their successors are appointed.
- (2) Any vacancy among the lay Synodsmen shall be filled in such manner as the Synod shall by Ordinance determine.
- (3) The Registrar shall keep a register of all members of Synod and 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 he has been duly and lawfully elected or appointed.

Sessions of Synod

10. (1) The Synod shall meet at least once in every calendar year at a time and place to be determined by the Bishop in consultation with the Diocesan Council.
- (2) The Synod shall meet at such other times as the Bishop shall determine and, if the Diocesan Council shall so recommend, when requested in writing by ten lay Synodsmen representing not less than five parishes and by any five clergymen. Any such request shall be directed in writing to the Bishop.

President

11. At every meeting of the Synod the Bishop or in his absence the Vicar General or in his absence the Administrator or in his absence the senior Archdeacon present or if there be no such person the senior Rural Dean present (seniority being reckoned on the length of continuous service to that time as an Archdeacon or Rural Dean as the case may be) shall preside.

Validity of Proceedings

12. (1) The Synod may proceed to the dispatch of its business notwithstanding the failure of any parish to provide for its representation or any casual vacancy among the lay Synodsmen, and notwithstanding a vacancy in the office of Bishop, Chancellor or Registrar.
- (2) No Ordinance or exercise of power of Synod shall be vitiated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned or by reason only of any informality with respect to the election appointing or summoning.

Ordinances

13. An Ordinance of the Synod shall be made or altered or repealed by ordinance passed in accordance the procedure set out in an ordinance regulating the conduct of synod business. Any such ordinance must provide:
 - (1) for adequate notice to be given to all synod members of all legislative synod business to be proposed to the synod,
 - (2) that no ordinance of the synod shall take effect or have any validity unless the Bishop signifies in writing assent to the ordinance within 60 days after passing by the Synod.

CHAPTER III - THE DIOCESAN COUNCIL

Composition

14. There shall be a Diocesan Council and an Executive Committee of the Diocesan Council which shall be constituted and regulated as the Synod shall by Ordinance determine

Powers

15. The Diocesan Council shall be a Council of advice to the Bishop and the Standing Committee of the Synod and subject to the provisions of the several Ordinances 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 Ordinance the altering or repealing of the Constitution of the Diocese and the exercise of any right authority or power to which the Synod shall by ordinance declare that this section shall not apply.

CHAPTER IV – PARISHES

Parish Definition

16. For the purposes of these provisions a Parish means an ecclesiastical unit which has been defined and recognized as a Parish in such manner as the Synod shall by Ordinance determine.

Recognition

17. Subject to the provisions of Section 18 of this Constitution the conditions for recognition and termination of recognition of a Parish, the qualifications for membership of a Parish and the conditions for recognition of changes in the composition or name of a Parish shall be determined and may be varied from time to time in such manner as the Synod shall by Ordinance determine.

Procedure for Recognition of a Parish

18. The Synod shall not recognize a new parish unless a meeting or meetings presided over by the Bishop or his nominee shall have been held at which a resolution in the form contained in the Fourth Schedule hereto shall have been passed by a majority of those present and voting and the person presiding thereat shall have signed and delivered to the Secretary of Synod a certificate in the form of the Fourth Schedule.

Church Property

19. The fee simple or any other right title or interest of the Synod or of any Parish or of any members of the Church in any land used for the purposes of the Church within the Diocese shall be vested in the Synod or in such other trustee or trustees as the Synod shall approve and upon such trusts as the Synod shall from time to time have approved or adopted.

CHAPTER V - THE SEAL

Seal

20. The sealholders of the Synod shall consist of -
 - (a) The Bishop
 - (b) The Vicar General
 - (c) The Chancellor
 - (d) The Registrar
 - (e) Two members of the Synod of whom one shall be a clergyman and one shall be a lay Synodsmen and who shall be elected by the Synod.

Use of Seal

21. 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 any three of the sealholders for the time being shall have countersigned the same.

Authority

22. The seal shall not be affixed to any deed instrument or document without the authority of the Diocesan Council, or subject to Sections 14 and 15, its Executive Committee.

CHAPTER VI - AMENDMENT OF THE CONSTITUTION

Procedure

23. The Constitution of the Diocese or any part thereof may be amended or repealed by measure passed in accordance with the following procedure:
 - (a) 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.
 - (b) Voting on the measure shall be by Houses provided that the measure does not pass unless agreed to by two thirds of each House and consented to in writing by the Bishop unless it has been confirmed in a like manner at a subsequent session of Synod.

CHAPTER VII – MISCELLANEOUS

Definitions

24. In this Canon and in any Ordinance unless the context or subject matter otherwise indicates:

- (a) "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 -
 - (a) the Vicar General if there be one; or
 - (b) any other clergyman appointed as Administrator by the Bishop; or
 - (c) if there be no Vicar General and no Administrator so appointed by the Bishop, then the senior Archdeacon of the Diocese able and willing to act; or
 - (d) if there be no such clergyman able and willing to act, then the senior Rural Dean able and willing to act (seniority in this Section being reckoned on the length of continuous service to that time as Archdeacon or Rural Dean as the case may be).

"The Diocese" means the Diocese of The Murray.

"Archdeacon" means a clergyman appointed to such office by the Bishop who shall hold office for such period and 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 13 & 23 hereof include the Administrator during the incapacity or absence from the Diocese of the Bishop or during any vacancy of the See.

"The Chancellor" means the Chancellor of the Diocese appointed by the Bishop.

"Clergyman" means a bishop priest or deacon holding a license under the seal of the Bishop.

"Commissary" means a clergyman holding the Commission in writing under the hand and seal of the Bishop empowering and authorising that clergyman to perform any specific function as he may, by the Commission, be directed to perform for an on behalf of the Bishop.

"Communicant" means a member of the Church who communicates at the least three times in the year of which Easter to be one.

"Member of the Church" means any baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no other Church not in communion with this Church.

"Lay Synodsmen" means a member of the Synod other than the Bishop and any clergyman, and includes, if the Synod shall by Ordinance provide for the appointment or election of such persons, an alternate Lay Synodsmen.

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

"Rural Dean" means a clergyman appointed to such office by the Bishop who shall hold office for such period and shall have such powers and functions as the Bishop may from time to time determine.

"Vicar General" means a clergyman appointed by the Bishop to the office of Vicar General pursuant to Section 25, to assist the Bishop in the administration of the Diocese.

- (b) In this Constitution and in any Ordinance, unless the contrary intention appears, words importing the masculine shall include the feminine and words importing the singular shall include the plural and vice versa.

Vicar General

25. (1) This Section shall apply to, and in relation to, the appointment of the Vicar General, and to the discharge by him of the duties of his office.
- (2) Subject to this Section, the Bishop may appoint a clergyman to the office of Vicar General (which is hereby established) to assist him in the discharge of the duties of his office.
- (3) Any such appointment shall be in writing, under the hand and seal of the Bishop, and shall forthwith be registered in the Registry of the Diocese.
- (4) The Bishop may revoke an appointment by an instrument or revocation under his hand and seal, and that instrument shall forthwith be registered in the Registry of the Diocese.
- (5) Upon the enthronement of a new Bishop of the See, the appointment of a Vicar General then holding office determines.
- (6) Upon appointment to, and while holding office, the Vicar General is empowered (subject to any written direction to him by the Bishop) to use, exercise, do, and perform, all and every the powers, acts, and authorities, that may be exercised by the Bishop, except exclusively Episcopal powers, and the powers reserved to the Bishop by Sections 13 and 23 of this Constitution.
- (7) In the event of the absence of the Bishop from the See, or of his incapacity, resignation, or death, or upon the happening of any event for which an Administrator is required by terms of this Constitution, or of the Ordinances, then the clergyman holding office as Vicar General shall, notwithstanding the provisions of the definition of the expression "The Administrator" in paragraph (a) of Section 25, be the Administrator of the Diocese."

Winding Up

26. If, following a special resolution of the Synod, the Synod is wound up, then, after satisfaction of all debts and liabilities, any surplus assets and any property held in trust will pass on to the Synod of the Diocese in the Anglican Church of Australia which absorbs the Diocese.

THE FIRST SCHEDULE

(Section 1 [2])

Determination of the General Synod of the Dioceses in Australia and Tasmania

Determination VI, 1891 Bishop Mentally Incapable

Canons of the General Synod of the Church of England in Australia (now known as "The Anglican Church of Australia")

Canon No. 3 of 1966 Consecration of Bishops Canon

Canon No. 4 of 1966 Assistant Bishops Canon

Canon No. 10 of 1966 Long Service Leave Canon

Canon No. 14 of 1966 See Finance and Information Canon

Canon No. 16 of 1966 The Anglican Church of Australia Canon

Canon No. 3 of 1969 Long Service Leave Canon Amendment Canon

Canon No. 6 of 1969 Consecration of Bishops Canon Amendment Canon

THE SECOND SCHEDULE

(Section 8 [1])

I DO HEREBY DECLARE that -

- 1. I am a member of The Anglican Church of Australia and am a communicant of that Church.
- 2. I belong to no other religious denomination.
- 3. I have received the Holy Communion not less than three times during the preceding twelve months.
- 4. I am a member of the Parish of _____ and have not voted or do not intend to vote in another Parish in the Diocese or The Anglican Church of Australia; and
- 5. I have attained the age of eighteen years.

.....

Signature: Witness

Date.....

THE THIRD SCHEDULE

(Section 8 [2])

I.....

of.....

DO HEREBY DECLARE

- 1. That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church:
- 2. That I belong to no other religious denomination:
- 3. That I have received the Holy Communion not less than three times during the preceding twelve months:
- 4. That I am a member of the Parish of _____ and no other Parish.
- 5. That I have attained the age of 18 years.
- 6. That I hereby accept the office of lay member of the Synod and any other office to which I may be elected or appointed pursuant to the Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
- 7. That I agree to comply with the Safe Ministry Requirements within 3 months from date of election.

Signature..... Witness.....

Date.....

THE FOURTH SCHEDULE
(Section 21)

I.....

HEREBY CERTIFY that at a meeting at which I presided held at (place) on (date) of persons all of whom were members of The Anglican Church of Australia

* who reside or worship within

* who are associated for the purpose of

.....

the following resolution was passed: -

"That this meeting, comprising members of The Anglican Church of Australia

* residing or worshipping within

* associated for the purpose of

Consisting of the Faith Community(ies) of.....,

Desires to be recognised as a

* Provisional Parish

* Parochial District

under the title of

hereby submits to and agrees to be bound by the Constitution of the Diocese of The Murray and every Ordinance of the Synod and other Policies from time to time in force."

I further certify that the meeting had a quorum as laid down in the Parochial Administration Ordinance and attach the attendance sheet as per Schedule A of the Parochial Administration Ordinance

Signature

Date

* Strike out that which does not apply