

## **CANON XI OF THE PROVINCE OF SOUTH AUSTRALIA**

### **A Canon making Provision for the Formation of a New Province (deemed to be an ordinance of the Synod pursuant to the provisions of Section 1 (2) (a) of the Constitution)**

as passed by the Synod on 21st August, 1972 and ratified by General Synod on 22nd May, 1973 (Canon No. 3, 1973); and as amended by the Synod on 20th August, 1979 and ratified by General Synod on 27th August, 1981 (Canon No. 6, 1981)

NOTE: - The name of the Church has not been amended in this Canon nor in the Constitution of the Province of South Australia which is contained in the Schedule to the General Synod Canon "Province of South Australia Formation Canon of 1973".

The use of the words "Church of England in Australia" in any General Synod Canon is deemed to be a reference to "The Anglican Church of Australia" (Section 6 of the General Synod Canon "The Anglican Church of Australia Canon of 1966".)

**WHEREAS** at a meeting of the Provisional Council duly convened and held on the 7th day of June 1971 the said Provisional Council resolved to recommend to the synods of each of the dioceses of Adelaide, Willochra and The Murray that each of such synods should determine-

- (1) to join with the others of such synods in preferring a petition to the General Synod of the Church of England in Australia praying that the General Synod should declare that the said three dioceses may proceed under Section 37 of the Constitution of the Church of England in Australia with the formation of a new Province of the Church of England in Australia by associating for that purpose;
- (2) subject to the granting by the General Synod of the prayer of the said petition, to approve of the formation of a new Province of the Church of England in Australia to be known as the Province of South Australia by the associating of the said three dioceses for that purpose subject to the ratification of the formation of the said new Province by Canon of the General Synod under the said Section 37; and
- (3) that the constitution of the said new Province should contain the provisions discussed and agreed upon by the said Provisional Council at its said meeting (being the constitution set forth in the Schedule hereto) subject to the proviso that such constitution should not take effect until ratification thereof by Canon of the General Synod under Section 40 of the Constitution of the Church of England in Australia.

### **THE SYNOD HEREBY DETERMINES:**

#### **Petition to General Synod**

1. That the Synod of the Church of England in the Diocese of The Murray Incorporated join with the Synod of the Church of England in the Diocese of Adelaide Incorporated and the Synod of the Church of England in the Diocese of Willochra Incorporated in preferring a petition to the General Synod of the Church of England in Australia praying that the General Synod may declare that the dioceses of Adelaide, Willochra and The Murray may proceed under Section 37 of the Constitution of the Church of England in Australia with the formation of a new Province of the Church of England in Australia by associating for that purpose.

### **Formation of the Province**

2. That subject to the granting by the General Synod of the prayer of the said petition the Synod of the Church of England in the Diocese of The Murray Incorporated HEREBY APPROVES of the formation of a new Province of the Church of England in Australia to be known as the Province of South Australia by the associating for that purpose of the dioceses of Adelaide, Willochra and The Murray subject to the ratification of the formation of the said new Province by Canon of the General Synod under Section 37 of the Constitution of the Church of England in Australia.

### **Constitution**

3. That the constitution of the said new Province shall contain the provisions set forth in the Schedule hereto provided however that the said constitution shall not take effect until the same shall be ratified by Canon of the General Synod under Section 40 of the Constitution of the Church of England in Australia.

## **CONSTITUTION OF THE PROVINCE OF SOUTH AUSTRALIA ESTABLISHMENT AND BOUNDARIES**

### **Composition of the Province**

1. The dioceses of Adelaide, Willochra and The Murray shall be associated within the meaning of Section 37 of the Constitution of the Church of England in Australia for the purpose of forming a province of the said Church which province shall be called the "Province of South Australia" (hereinafter referred to as "the Province").

### **Boundaries**

2. The boundaries of the Province shall be co-terminous with those of the State of South Australia as at the date on which this constitution takes effect.

### **Alterations to the Province**

3. The Province may from time to time be altered as provided by Section 38 of the Constitution of the Church of England in Australia and its boundaries may from time to time be adjusted in accordance with any such alteration.

## **METROPOLITAN**

### **Metropolitan**

4. The Bishop of Adelaide shall be the Metropolitan Bishop of the Province and his See shall be the Metropolitan See.

### **Casual Vacancy**

5. 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**

### **Provincial Council**

6. There shall be a Provincial Council of the Province having such powers for the order and good government of the Church within the Province as are contained in the Constitution.

### **Composition of Provincial Council**

7. The Provincial Council shall consist of the Metropolitan and the other diocesan bishops of the Province (ex officio) and four clerical and four lay representatives of each diocese in the Province. The clerical and lay representatives of each diocese shall be elected triennially by the respective synods of such dioceses in such manner as the said respective synods shall determine and shall hold office until their successors are appointed.

### **Casual Vacancies**

8. Casual vacancies occurring in the clerical and lay representatives of any diocese shall be filled by the synod of that diocese provided however that casual vacancies occurring at a time when that diocesan synod is not in session may be filled in any manner prescribed by ordinance of that diocese. A clerical or lay representative elected to fill a casual vacancy shall hold office until the next triennial election shall take place in the diocese which he represents.

### **Elections**

9. Forthwith after the holding of each triennial election of clerical and lay representatives and upon the election of any clerical or lay representative to fill a casual vacancy the diocesan synods shall cause to be sent to the secretary hereinafter referred to the name and address of each clerical and lay representative so elected.

## **MEETINGS OF PROVINCIAL COUNCIL**

### **Convening Meetings**

10. Meetings of the Provincial Council shall be convened not less frequently than once in every three years by the Metropolitan who shall also convene a meeting whenever requested in writing so to do by any diocesan bishop or by a majority of the representatives of any diocese.

### **Place of Meeting**

11. Meetings of the Provincial Council shall be held in Adelaide or in such other place as the Provincial Council may from time to time determine.

### **Notice of Meeting**

12. Not less than twenty-one days' notice in writing of all meetings of the Provincial Council specifying the time and place thereof shall be sent by post to the diocesan bishops and diocesan representatives whose names and addresses have been forwarded to the secretary in accordance with paragraph 9 hereof.

### **Travelling Expenses**

13. Travelling expenses properly incurred by its members in attending meetings of the Provincial Council shall be defrayed from moneys to be provided equally by the dioceses comprising the Province unless otherwise determined by the Provincial Council.

### **Minutes**

14. Proper minutes shall be kept of the proceedings at all meetings of the Provincial 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.

## **POWERS AND PROCEEDINGS OF PROVINCIAL COUNCIL**

### **Powers of Provincial Council** S15 substituted 1981

15. The Provincial Council may exercise such powers whether legislative or executive affecting a diocese in the Province as may be authorised or approved by or pursuant to an ordinance of the Synod of that diocese but shall otherwise be a consultative and advisory body only.

### **President**

16. At every meeting of the Provincial Council the Metropolitan shall if willing to act preside.

### **Quorum**

17. No business shall be transacted at any meeting of the Provincial Council unless at least fourteen members including one clerical or lay representative of each diocese and two diocesan bishops shall be present.

### **Voting**

18. The business to be transacted at all meetings of the Provincial Council shall be discussed and voted upon by the members present sitting and voting together. No resolution shall be passed and no decision shall be made unless at least a simple majority of the members of the Provincial Council as a whole shall vote in favour of the same.

### **Vacancies**

19. The Provincial Council may act notwithstanding any vacancy in its membership.

### **Committees**

20. The Provincial Council may appoint and revoke the appointment of committees and may delegate and give to such committees such powers and functions (being within the powers and functions which the Provincial Council is itself authorised by this Constitution to exercise and perform) as it thinks fit. It shall not be necessary for the members of such committees to be members of the Provincial Council.

### **Appointment of Officers**

21. The Provincial Council may from time to time appoint and revoke the appointment of a secretary and other officers and may authorise the opening of bank accounts and generally regulate its affairs and the affairs of any committee appointed by it in such a manner in all respects as it shall think fit.

## **MISCELLANEOUS PROVISIONS**

### **Absence of a Bishop**

22. During any vacancy in the office or incapacity of the bishop of any diocese comprised in the Province or during his absence from the diocese for a period exceeding thirty days the authorities powers rights and duties (including membership of the Provincial 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.

### **Canonical fitness of Bishops and Assistant Bishops**

23. The confirmation required by Section 8 of the Constitution of the Anglican Church of Australia as to the canonical fitness of a person elected to be the bishop of a diocese shall be by all the other diocesan bishops for the time being of the Province. The confirmation as to the canonical fitness of a person to be appointed an assistant bishop shall be by all the diocesan bishops for the time being of the Province.

### **Alterations to Constitution**

24. Subject always to the provisions of Section 41 of the Constitution of the Anglican Church of Australia this Constitution may be altered with the consent of all the dioceses comprising the Province which consent may be given by ordinances in force at the same time passed by the respective synods of all of such dioceses.

### **Interpretation**

25. This Constitution shall be read and construed as subject to the Constitution of the Anglican Church of Australia and to the extent (if any) to which there may be or arise any conflict between the provisions of this Constitution and the provisions of the Constitution of the Anglican Church of Australia the latter shall prevail.

### **Transitional**

26. This Constitution shall not take effect until the formation of the Province shall have been approved by ordinance of the diocesan synod of each of the dioceses comprising the Province and ratified by canon of the General Synod of the Anglican Church of Australia pursuant to Section 37 of the Constitution of the Anglican Church of Australia and until each of the said diocesan synods shall have approved of the provisions of this Constitution by ordinance and this Constitution shall have been ratified by canon of the said General Synod in accordance with the provisions of Section 40 of the Constitution of the Anglican Church of Australia.

### **Definition**

27. The term "ordinance" when used in this Constitution and whenever the context so admits shall include any act canon constitution statute legislative measure or provision of a diocesan synod.