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# A BILL

To enable the Bishops, Clergy, and Laity of the United Church of England and Ireland in New South Wales to Regulate the affairs of the said Church and to authorize the holding of Provincial Synods of the same Church in this Colony.

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**W**HEREAS it is expedient to provide for the regulation and <sup>Preamble.</sup> management of the affairs of the United Church of England and Ireland in New South Wales, and to authorize the holding of Provincial Synods of the same Church in this Colony, Be it therefore  
5 enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by the authority of the same as follows:—

I. It shall be lawful for the Bishop, Licensed Clergy and Lay <sup>Synod may be held.</sup> Members of the United Church of England and Ireland in any Diocese  
10 now or at any time hereafter existing within the Colony, and being convened and elected as hereinafter provided, to meet in Synod.

II. The first Synod shall be convened and holden in any existing <sup>President and time of</sup> Diocese within six months after the passing of this Act, and in every <sup>holding</sup>  
15 future Diocese, within twelve months after the formation of such Diocese, and such first Synod and all subsequent Synods shall be convened within the periods and in the manner hereinafter provided save in so far as the same may be altered by any Synod acting under the powers hereinafter in that behalf given. And the Synod shall be  
20 convened and holden once in every year by summons in writing under the hand and seal of the Bishop stating the time and place of meeting. And the Bishop, or in his absence a Commissary appointed by him in writing, shall be President of the Synod and may adjourn, prorogue and dissolve the same, with the concurrence of the Synod. Provided  
25 always that a new Synod shall be elected and convened at least once in every three years. And it shall not be lawful for the President to vote on any question or matter arising in the Synod.

III. The Synod shall have power to make Rules for the conduct <sup>Powers of Synod</sup> of all business coming before it, and to make Ordinances for the <sup>generally.</sup>  
30 management and disposal of all Church property, moneys, and revenues, not diverting any specifically appropriated, or the subject of any specific trust, nor interfering with any vested rights, and for the election or appointment of Churchwardens and Lay Trustees, and generally for the order and good Government of the United Church of  
35 England and Ireland in New South Wales, and the regulation of its affairs as well within the Diocese as the several Parishes thereof, any provision in the Act of Council, 8 William 4, No. 5, or the Act 21 Victoria, No. 4, passed for amending the same, in any such case notwithstanding, and such Rules and Ordinances shall be binding on  
40 the Bishop and his Successors, and on the Clergy and Lay Members of the Church, residing within the Diocese, and on none other, and on such Clergy and Lay Members only so far as the same may concern their respective rights, duties, and liabilities, as holding any office in the Church, within the Diocese.

IV. Every Rule and Ordinance of the Synod shall be made with <sup>Mode of voting and</sup> the concurrence of the Bishop of the Diocese and a majority of the Clergy <sup>Quorum.</sup>  
45 and

and Lay Members of the Synod, voting by Orders and the presence of not less than one fourth of the Members of each Order shall be necessary to constitute a Quorum : Provided that in every case unless the Bishop or five members of the Synod shall, on any question being put, desire that the votes be taken by Orders, the votes of the Clergy and Lay 5 Members shall be taken collectively, and the majority thereupon declared be deemed to be the majority of both Orders : Provided, also, that any decision concurred in by any two only of the three Orders of Bishop, Clergy, and Lay Members, may be the subject of reference to any Provincial Synod which may be holden, as hereinafter provided, and 10 such Provincial Synod shall have power to determine the same, but the subject matter for decision shall remain in abeyance until the determination of such reference.

Power of Synod to alter Constitution, &c.

V. It shall be lawful for the Synod to make Rules and Ordinances for trying the validity of the election of any Representative, and for 15 supplying any vacancies in the Synod which may be occasioned by death, resignation, or any other cause, and for altering the periods within which, and the manner in which subsequent Synods shall be convened, and the mode of electing Lay Representatives, and for restricting the number of the Licensed Clergy 20 and Lay-Members of the Church to be respectively summoned to any future Synod, and as to the manner in which they shall respectively be selected. Provided that the number of Lay Members to be summoned to such Synod shall not exceed twice the number of Clergy to be summoned, and provided that the Declarations imposed by this 25 Act and no other shall be required either from Lay Members of the Church voting at the election of Representatives or from Lay Representatives when elected.

Removed or suspended Office Bearers.

VI. Whenever any office Bearer shall be removed or suspended from his office by the Synod, he shall immediately cease to have or 30 exercise any function connected with his office, and shall be deprived of all rights, emoluments, or salary to which by virtue of his office he would have been entitled but for such removal or suspension, and shall forthwith deliver up to any person appointed by the Synod to receive the same, all property in his possession, charge, or power, as 35 such Office Bearer, and in default of his so doing the person so appointed, may in his own name bring any Action or Suit, or take any other proceeding that may be necessary in respect of the said property.

Synod may call for accounts.

VII. The Synod shall have power to call upon any person holding property belonging to the Church in the Diocese or in any Parish 40 thereof, or in which the Church or any such Parish is in any manner interested, to render a full account of all such property and of the manner in which the same and every part thereof is applied and disposed of. And in all cases, in which any action, suit, or proceeding shall be necessary in respect of any such property, the Synod may 45 sue and be sued in the name of the Bishop.

Mode of convening Synod.

VIII. Whenever the Bishop shall convene the first Synod, he shall summon thereto the licensed Clergy, within his Diocese, and the Lay Representatives elected as hereinafter provided ; And for electing such Representatives the Bishop shall require each Clergyman, licensed 50 to a separate cure of souls, to summon a Meeting of the Members of the Church, of the age of twenty-one years, being males, and occupiers of seats in his Church, or residents within his Parish or District at such time within limits which may be prescribed by the Bishop and at such place within the Parish or District, as to such Clergyman may 55 seem convenient ; and every Member so summoned shall be entitled to vote at such election, but the Clergyman summoning the Meeting shall not be entitled to vote at such election save to give a casting vote.

IX.

IX. The Clergyman, if present, shall act as Chairman of the said Meeting, and so soon as six persons at the least, are assembled, the Meeting shall proceed to business, and the Chairman shall cause a list to be made of those who are present, and add thereto the names of any  
 5 who subsequently attend before the proceedings are closed, and the Chairman shall cause minutes to be taken of the proceedings of the Meeting. And every Member of the Church shall, before taking part in or voting at such meeting, sign the following Declaration:—

10 “I the undersigned A. B., do declare that I am a Member of the United Church of England and Ireland.”

X. Every such Meeting shall choose as a Representative one male person of the age of twenty-one years, being a Layman and a Communicant of the Church, and if more than thirty persons shall attend and vote, it shall be lawful for such Meeting to elect one such  
 15 additional Representative, but no Parish or District shall elect more than two Representatives.

XI. In case at any such Meeting the persons proposed for election exceed the number which the Meeting is authorised to elect, the Chairman shall take in writing the votes of the qualified persons  
 20 present, each of whom may give one vote for such one or two of the persons proposed as he may think fit according to the number to be elected, and the Chairman shall declare the number of votes given for each person, and where the votes for two or more are equal, the Chairman may give a casting vote in favour of either one or two of  
 25 such persons as the case may require.

XII. The Chairman shall cause to be delivered to each person elected a Certificate of his election, and shall sign the minutes of the Meeting in token of their correctness, and shall forward them to the Bishop, together with all certificates, subscriptions, and lists, which  
 30 have been laid before the said Meeting, and a certificate of the names, callings, and addresses of the persons chosen, to be laid before the Synod at the opening thereof: Provided that no Rule or Ordinance of the Synod shall be vitiated by reason of the non-election or any error or informality in the election of any Representative.

35 XIII. Each Representative shall, before taking part in or voting at the Synod, sign and deliver to the President the following Declaration:—

“I, the undersigned A. B., do declare that I am a Communicant of the United Church of England and Ireland.”

40 XIV. The Synod shall have power to establish a Tribunal for the trial of offences against Laws Ecclesiastical, as well those involving breaches of discipline as questions of doctrine and the ritual of the Church, and may frame Rules and Ordinances for the initiation and conduct of trials before, and the mode of proceeding under, such  
 45 Tribunal: And every Witness who shall appear before such Tribunal may be examined on oath by any Judge or Commissioner thereof. Provided, that no such Tribunal shall have any jurisdiction over persons who are not Clergymen or Office-bearers of the Church, and that nothing in this Act contained, nor anything to be done by the  
 50 Synod under the power hereby given, shall affect the right of appeal of any Clergyman or Office-bearer to Her Majesty in Council, or to the Archbishop of Canterbury, or the Metropolitan Bishop of Australia.

XV. The License of a Clergyman shall not be withdrawn, cancelled, or revoked, unless at his own request or as the consequence of a sentence pronounced, under the provisions of this Act, or by some other Court of competent Jurisdiction: Provided, that until a Tribunal shall have been established as hereinbefore mentioned, nothing in this Act shall affect any of the powers now vested in the Bishop.

XVI.

Provincial Synods  
may be convened.

XVI. It shall be lawful for the Bishop of Sydney as the Metropolitan Bishop of Australia, from time to time to hold a Provincial Synod of the Bishops of Australia whose Dioceses are or shall be within the Colony of New South Wales, and of the members of the several Diocesan Synods within the Colony or of such Representatives 5 of the said Diocesan Synods as shall hereafter by any Provincial Synods be determined. And it shall be lawful for the Bishop of Sydney as such Metropolitan as aforesaid, and for the purpose of holding such Provincial Synod by writing under his hand and seal to convene the several Bishops of Australia within the Colony, and to 10 require them severally to convene the Members or Representatives of their several Diocesan Synods at such times and places as the Bishop of Sydney may deem fit, to consider of and determine upon all matters and things concerning the affairs of the United Church of England and Ireland in New South Wales. And the first Provincial Synod 15 shall be convened and holden within three years after the passing of this Act if there shall be three or more Dioceses within the Colony, but if there shall not be three Dioceses within the Colony then within twelve months after a third Diocese shall be formed within the Colony subsequently to the said period of three years. And such Synod shall 20 be thereafter convened and holden once in every three years. And the Bishop of Sydney as such Metropolitan as aforesaid, or such one of the Bishops of Australia within the Colony as he may appoint his Commissary under his hand and seal for that purpose, shall be President of the Synod. And the Metropolitan and Bishops attending 25 such Synod shall sit and vote as one house, and the Members of the said Diocesan Synods or their Representatives shall sit and vote as another house. And no Rule or Ordinance or other determination of such Synod shall be valid unless it be made with the concurrence of both houses. And on every division of the house representing the 30 Diocesan Synods the voting shall be by Dioceses, and in the case of any Diocese represented by both Clergy and Lay Members of the Church no vote shall be taken as the vote of such Diocese unless assented to by a majority both of the Clergy and of the Lay Members present and representing such Diocese. And such Provincial Synod 35 may make Rules and Ordinances for the uniform conduct of and mode of proceeding in all Provincial Synods: Provided always that all Rules and Ordinances made by any Provincial Synod shall be made with the concurrence of both houses as aforesaid, and shall be subject to the same provisos as are hereinbefore contained respecting the 40 Rules and Ordinances of Diocesan Synods so far as the same are applicable thereto.

Death, &c., of Bishop.

XVII. In case of the absence from the Colony, death or resignation of the Bishop, the powers by this Act vested in him may be exercised by a Commissary appointed by the Bishop, and in case no such 45 Commissary shall have been appointed such powers may be exercised by the person who shall then be the next in Ecclesiastical rank or degree in the Diocese, and resident therein until the return of the Bishop or the assumption of office by his successor.

Royal Prerogative not interfered with.

XVIII. Nothing herein contained shall affect the right of Her 50 Majesty to appoint any Metropolitan or other Bishop of the United Church of England and Ireland in New South Wales, or shall affect any other right or prerogative of Her Majesty, save so far only as the same may be expressly affected by this Act.