

THE DIOCESE OF ADELAIDE CONSTITUTION CANON 1979

A CANON TO ENACT A CONSTITUTION FOR THE DIOCESE OF ADELAIDE OF THE CHURCH OF ENGLAND IN AUSTRALIA AND TO REPEAL (EXCEPT AS IS SPECIFICALLY PROVIDED HEREIN) THE PREAMBLE DECLARATION CANONS AND REGULATIONS.

WHEREAS in consideration of the premises and to secure the objects stated in the preamble thereto a certain Declaration and Fundamental Provisions and Regulations were on the 9th day of October 1855 agreed upon and adopted for the government of the Church in the Diocese of Adelaide as then constituted by the Right Reverend Augustus Short, by Divine permission Bishop of Adelaide, and by the Reverend the Clergy of the Diocese whose names and seals were thereunder respectively subscribed and affixed, being respectively Presbyters and Deacons of the Diocesan Church of Adelaide, and by Lay Communicating members representing the respective Churches mentioned opposite their respective signatures and seals thereunder subscribed and affixed in Synod assembled and were declared to be and accepted as and for a consensual compact between the several parties abovementioned

AND WHEREAS other the Clergymen licensed by the Bishops of Adelaide for the time being and lay persons representing the several Churches and Congregations of the Diocese for the time being have in like manner assented to be bound by such Declaration Fundamental Provisions and Regulations or the Canons and Regulations of the Synod for the time being enacted in addition thereto or in lieu thereof

AND WHEREAS such Declaration Canons and Regulations and the terms of the Compact giving effect thereto may be altered and repealed by the Bishop, the Clergymen and Lay Synodsmen representing the several Churches and congregations for the time being in the Diocese in Synod assembled

AND WHEREAS for the better order and government and for the life and growth of The Church of England in Australia within the Diocese it is expedient to repeal the said Declaration, Canons and Regulations and to enact a Constitution of the Diocese to make better provision for the order and good government and the life and growth of The Church of England in Australia within the Diocese (so far as lies within the power of the Synod so to provide) and to make alternative provisions to the Compact for assenting to such Constitution and the Ordinances made thereunder NOW THE SYNOD HEREBY DETERMINES:-

- (1) This Canon may be cited as "The Diocese of Adelaide Constitution Canon 1979".
- (2) From and after the passing of this Canon and save as hereinafter specifically provided the said Preamble, Declaration, Canons and Regulations shall cease to have any further force or effect within this Diocese.

(3) The provisions of section (2) of this Canon:

- (a) shall not affect the operation of Canon VII - Of the Diocese of Willochra, Canon IX - Of the Surrender of Territory to the Diocese of Willochra, Canon X - Of the Diocese of The Murray and Canon XI - Of the Province of South Australia which Canons shall be deemed to be Ordinances of the Synod and may be cited respectively as "The Diocese of Willochra Ordinance 1915", "The Diocese of Willochra (Surrender of Territory) Ordinance 1965", "The Diocese of The Murray Ordinance 1968" and "The Province of South Australia Ordinance 1971";
- (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 of Canon IV - Of Clergy Discipline or Regulation XII - Of Long Service Leave which are hereby deemed to be Ordinances of the Synod and may be cited respectively as "The Clergy Discipline Ordinance 1926-77" and "The Long Service Leave Ordinance 1968" provided however that any reference therein to the Standing Committee shall be amended to read the Diocesan Council;
- (d) 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 as have hitherto been accepted, adopted or assented to as the case may be by the Synod which Determinations and Canons are more particularly set forth hereunder, namely:

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

<u>No.</u>	<u>Title</u>	<u>Date of Assent or Adoption.</u>	<u>Date Confirmed</u>
3 of 1966	Consecration of Bishops Canon 1966	5th Sept. 1967	1st Oct. 1968
4 of 1966	Assistant Bishops Canon 1966	5th Sept. 1967	1st Oct. 1968

14 of 1966	See Finance and Information Canon 1966	5th Sept. 1967	1st Oct. 1968
16 of 1966	Anglican Church of Australia Canon 1966	5th Sept. 1967	1st Oct. 1968
3 of 1969	Long Service Leave Canon Amendment Canon 1969	1st Sept. 1970	7th Sept. 1971
6 of 1969	Consecration of Bishops Canon Amendment Canon 1969.	1st Sept. 1970	7th Sept. 1971
8 of 1973	Long Service Leave Canon Amendment Canon 1973	3rd Sept. 1974	2nd Sept. 1975
7 of 1973	Form of Declaration and Assent Canon 1973	7th Sept. 1976	27th Sept. 1977
12 of 1973	Lay Assistants at Holy Communion Canon 1973	7th Sept. 1976	27th Sept. 1977
14 of 1973	Admission to Holy Communion Canon 1973	7th Sept. 1976	27th Sept. 1977
1 of 1977	Australian Prayer Book Canon 1977.	27th Sept. 1977	7th Nov. 1977

(4) By the resolution passed by the Synod on the 1st day of October 1968 that the Diocese be a participating diocese within the meaning of the Long Service Leave Canon 1966 of the General Synod of The Church of England in Australia the Synod is hereby deemed to have assented by Ordinance to the said Canon and nothing herein contained shall be deemed to affect such assent and all acts done and payments made pursuant to the said Canon are hereby ratified and confirmed.

(5) The repeal effected by section (2) of this Canon shall take effect as from the passing of this Canon but shall not -

- (a) affect the provisions of any rules, regulations or constitution of any committee or body passed by or under the authority of the Synod and in force at the passing of this Canon or the provisions of any declaration of trust or model trust deed adopted by the Synod and in force at the passing of this Canon provided however that for the purposes of such provisions the Diocesan Council constituted under this Canon shall be deemed to be the Standing Committee;
- (b) affect any appointment rule order power licence or authority made exercised or given by such revealed provisions;
- (c) revive anything not in force or existing at the time at which such repeal takes effect;

- (d) affect the previous operation of any of the provisions so repealed or anything duly done or suffered thereunder;
 - (e) affect any right privilege obligation or liability acquired accrued or incurred under any such repealed provisions;
 - (f) affect any forfeiture penalty or punishment incurred in respect of any ecclesiastical offence committed against any such repealed provisions; or
 - (g) affect any investigation proceedings or remedy in respect of any right privilege obligation liability penalty forfeiture or punishment aforesaid.
- (6) The passing of this Canon shall not affect the operation of the rules at the date on which this Canon takes effect of The Dean and Chapter of the Diocese of Adelaide Incorporated, the Leigh Trust or any incorporated body or trust concerned with the management or organisation of The Church of England in Australia in the Diocese other than the rules of The Synod of The Church of England in the Diocese of Adelaide Incorporated.
- (7) From and after the passing of this Canon the following provisions shall take effect as the Constitution of the Diocese provided that upon the coming into effect of The Anglican Church of Australia Canon 1966 and without any further authority than this section any reference in the Constitution or in any Ordinance to "The Church of England in Australia" or to "The Synod of The Church of England in the Diocese of Adelaide Incorporated" shall be amended to read "The Anglican Church of Australia" and "The Synod of the Diocese of Adelaide of The Anglican Church of Australia Incorporated" respectively and provided also that for the purposes of the Associations Incorporation Act 1956-1965 and any Act amending or replacing that Act the rules of the Synod shall comprise sections 7 to 35 inclusive of the Constitution of the Diocese as they may be amended or added to from time to time with such consequential amendment thereto as to the name of the Synod as is provided for in this section.

NOTES:

1. This Canon was passed on 19th September 1979, confirmed on 10th April 1980, to establish the Constitution (see A3).
2. The changes of name provided in section (7) of this Canon came into effect on 24th August 1981.