

PROVINCIAL COUNCIL CONSTITUTION

No. 3, 1973 [1981]

CANON DECLARING THAT THE DIOCESES OF ADELAIDE, WILLOCHRA AND THE MURRAY MAY PROCEED TO FORM THE PROVINCE OF SOUTH AUSTRALIA AND RATIFYING THE FORMATION AND THE CONSTITUTION OF THE SAID PROVINCE.

WHEREAS the Constitution of the Church of England in Australia makes provision for the formation of a new province by the associating of dioceses for that purpose,

AND WHEREAS by the said Constitution it is provided that General Synod may upon a petition preferred to it by less than four dioceses declare that such petitioning dioceses may proceed under section 37 of the said Constitution with the formation of a new Province.

AND WHEREAS the Synods of the Dioceses of Adelaide, Willochra and The Murray did by Ordinances passed on the 5th day of September 1972, the 29th day of October 1971 and the 21st day of August 1972 respectively:

- (a) determine to join in preferring a petition to the General Synod praying that the General Synod declare that the said three Dioceses might proceed under section 37 of the Constitution with the formation of a new Province of the Church of England in Australia by associating for that purpose;
- (b) subject to the granting by the General Synod of the prayer of the petition, 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 new Province by Canon of General Synod under the said section 37; and
- (c) determine that the Constitution of the new Province contain the provisions set forth in the Schedules to the Ordinances passed by each of the Synods as aforesaid (being the provisions set forth in the Schedule hereto) provided that the Constitution should not take effect until it had been ratified by Canon of General Synod under section 40 of the said Constitution of the Church of England in Australia.

AND WHEREAS a petition has been preferred to General Synod accordingly

NOW THEREFORE the General Synod prescribes follows:-

1. The prayer of the petition preferred to General Synod by the Dioceses of Adelaide, Willochra and The Murray, is hereby granted and it is hereby declared that the Dioceses may proceed under section 37 of the Constitution of the Church of England in Australia to form a new Province by associating for that purpose.
2. The formation of the Province of South Australia by the associating for that purpose of the Dioceses of Adelaide, Willochra and The Murray is hereby ratified under section 37 of the Constitution of the Church of England in Australia.
3. The constitution of the Province of South Australia containing the provisions set forth in the Schedule hereto is hereby ratified under section 40 of the Constitution of the Church of England in Australia
4. This Canon may be cited as the 'Province of South Australia Formation Canon of 1973'

THE SCHEDULE

CONSTITUTION OF THE PROVINCE OF SOUTH AUSTRALIA

Establishment and Boundaries

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")
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
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

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

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 this constitution
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
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.
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

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.
11. Meetings of the Provincial Council shall be held in Adelaide or in such place as the Provincial Council may from time to time determine.
12. Not less than twenty one days notice in writing of 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.
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.
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

15. The Provincial Council may exercise such powers, whether legislative or executive affecting a diocese in the Province as may be authorized or approved by or pursuant to an ordinance of the Synod of that diocese but shall otherwise be a consultative and advisory body only.
16. At every meeting of the Provincial Council the Metropolitan shall if willing to act preside.
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.
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.
19. The Provincial Council may act notwithstanding any vacancy in its membership.
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.
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 manner in all respects as it shall think fit.

Miscellaneous provisions

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.
23. The confirmation required by section 8 of the Constitution of the Church of England in 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.
24. Subject always to the provisions of section 41 of the Constitution of the Church of England in 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 such dioceses.
25. This constitution shall be read and construed as subject to the Constitution of the Church of England in 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 Church of England in Australia the latter shall prevail.
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 Church of England in Australia pursuant to section 37 of the Constitution of the Church of England in 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 Church of England in Australia.
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.