

AN ACT

TO PROVIDE FOR CONVENING AND HOLDING THE SYNOD OF THE CHURCH OF ENGLAND WITHIN THE DIOCESE OF WANGARATTA AND TO REGULATE THE ELECTION OF LAY REPRESENTATIVES THEREOF

Amended by Acts: No. 2, 1907
No. 1, 1914
No. 1, 1916
No. 2, 1970
No. 4, 1971
No. 1, 1972
No. 2, 1985
No. 2, 1986
No. 3, 1991
No.10, 1993
No. 1, 1994
No. 7, 1995
No. 3, 1997
No. 6, 2003
No. 3, 2009

Affected by Act: No. 2, 1905

Amendment:
Act No. 7, 1995

BE it enacted by the Bishop the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Wangaratta duly met in Synod according to law as follows:-

Short Title
Amended:
No. 1, 1970
No. 1, 1972
No. 2, 1985
No. 2, 1986
No. 3, 1991
No. 10, 1993
No. 1, 1994
No. 7, 1995
No. 3, 1997
No. 6, 2003

Repeal of Acts

1. This Act may be cited as "The Synod Act 1904-2009".
2. The Act No. 2, 1878 and the Act No. 1, 1879 and the Acts Nos. 1 and 3, 1887 and the Act No. 1, 1890 all of the Church Assembly of the Diocese of Melbourne shall be and the same are hereby repealed except as to any operation already effected by or act done under the same or any of them or as to any right title obligation or liability already acquired or accrued thereunder.

Composition of
Synod
Inserted
No. 2, 1970
Amended:
No. 2, 1986
No. 10, 1993
No. 1, 1994
No. 7, 1995
No. 6, 2003
No. 3, 2009

- 2(A). The Synod shall consist of
 - (i) The Bishop; and
 - (ii) All Clerks duly licensed; and
 - (iii) The lay representatives duly elected as provided by this Act; and
 - (iv) The Chancellor of the Diocese; and
 - (v) The Deputy Chancellor of the Diocese; and
 - (vi) The Advocate of the Diocese; and
 - (vii) The Chairman of Committees of the Synod of the Diocese; and
 - (viii) The Registrar of the Diocese; and
 - (ix) The Diocesan Treasurer; and
 - (x) Those of the laity who hold the Bishop's Licence as a Parish Assistant; and

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- (xi) Two members of the Youth Synod of the Diocese of Wangaratta duly elected by the said Youth Synod provided that each of the two members so elected is a communicant and on the first day of each session of the Diocesan synod shall have attained the age of eighteen years and shall be under the age of twenty-six years.
3. Every Parish and every Parochial District respectively under the charge of a Clerk duly licensed thereunto by the Bishop may as hereinafter provided elect a Lay Representative or Lay Representatives Provided that if at any time there be a vacancy in the cure of any Parish or Parochial District the Arch deacon or some other person appointed by the Bishop for that purpose shall be deemed for the purposes of this Act to be the Clerk in charge thereof Provided that any portion of the Diocese not within the boundaries of a Parish but placed by the Bishop under the charge of a Clerk duly licensed to a Parish or Parochial District shall for the purpose of procuring representation in the Synod be deemed while under such charge to be a portion of such Parish or Parochial District.
4. Any Parishioner in a Parish and Parochial District within the Diocese of Wangaratta who has attained the age of eighteen years and who is a communicant member may be nominated in the manner hereinafter provided for election as a Lay Representative of that Parish or Parochial District as the case may be provided that such Parishioner has not nominated nor will nominate for election as a lay representative of any other Parish or Parochial District or for the Synod of any other Diocese in the Anglican Church of Australia nor is a lay representative of the Synod of any other Diocese in the said Church.
5. Repealed by Act No. 3, 1997.
6. Repealed by Act No. 3, 1997.
7. (a) Each parish may elect two lay representatives and two supplementary representatives; provided that for each priest or deacon licensed to the parish, other than the Rector or Priest in Charge, who shall be entitled to membership of Synod, that parish may elect one additional lay representative.
- In this subsection the word "Parish" shall be taken to include a parochial district.
- (b) The tenure of office of Lay Representatives is limited to three consecutive Synods such limitation to operate from and including The Thirty-Third Synod and shall not operate to limit the tenure of office of Lay Supplementary Representatives whether or not such Representatives or any of them have sat in Synod by virtue of their election as Supplementaries.
8. Every Parish and Parochial District and the Youth Synod may elect Supplementary Representatives equivalent to the number of Lay Representatives to which it is entitled provided that there shall be no change in the composition of the lay representation during the course of a session and provided further in the case of Supplementary Representatives elected by the Youth Synod the number thereof be four.

Rights of Election

Election of
Supplementary
Representatives
Repealed:
No. 2, 1907
Inserted:
No. 1, 1972
Amended:
No. 10, 1993

Qualifications
of Lay
Representatives
Amended:
No. 2, 1970
No. 3, 1991
No. 7, 1995

Qualifications of
Electors
Amended:
No. 2, 1907
No. 1, 1914
No. 2, 1970
No. 1, 1972

Number to
be elected
Amended:
No. 2, 1985

When more may be
elected
Amended:
No. 2, 1907
No. 1, 1916
No. 4, 1971
No. 1, 1972
No. 2, 1985
No. 10, 1993
No. 3, 1997

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- Determination of number of electors
Amended:
No. 1, 1914
No. 1, 1972
No. 10, 1993
9. Repealed by Act No. 3, 1997.
10. Repealed by Act No. 1, 1972.
- List of Parishes and districts to be prepared
Amended:
No. 1, 1972
No. 2, 1985
No. 10, 1993
No. 1, 1994
11. Repealed by Act No. 3, 1997.
- Bishop to issue Mandate for the election of Lay Representatives
Amended
No. 2, 1985
No. 10, 1993
No. 1, 1994
12. For obtaining a general election of Lay Representatives and Lay Supplementary Representatives the Bishop by mandate under his hand addressed to the Clerk in charge of each parish and Parochial District and to the Youth Synod shall require each Parish and Parochial District and the Youth Synod to proceed to the election of Lay Representatives and Lay Supplementary Representatives of the Synod in the manner hereinafter mentioned and within a period to be specified in such mandate which period the Bishop may if he thinks fit extend Provided That if from any cause such Clerk be unable to act the Bishop may appoint a person to perform all the duties herein and in the subsequent sections of this Act imposed upon him.
- Procedure when a parish etc. constituted after General election
Amended:
No. 2, 1985
No. 10, 1993
No. 1, 1994
No. 3, 1997
13. If a Parish or Parochial District be constituted after a general election of Lay Representatives and of Lay Supplementary Representatives has taken place the Bishop shall issue his mandate for the election of Lay Representatives and of Lay Supplementary Representatives for such new Parish or Parochial District and such election shall be held in the manner hereinafter provided for general elections.
14. Every such Clerk upon receipt of such mandate shall give or cause to be given in every building within such Parish or Parochial District which has been duly consecrated or licensed for Divine Service notice during the time of holding service therein specifying a period which shall be not less than fifteen nor more than thirty days from the day of notice within which nomination papers may be sent to him and as soon as conveniently may be after receipt of a nominations paper shall cause the name of any person duly nominated with the names of his nominators to be affixed to the principal door of every such building Provided that any person who has been nominated may at any time by writing under his hand addressed to such Clerk withdraw his name as a candidate for election.
- Provision for Nomination of Candidates
15. Every Nomination Paper shall be in the form contained in the Schedule hereto marked A and shall be signed by not less than five parishioners and countersigned by the nominee in order to signify his or her consent to the nomination.
- Form of Nomination
Amended:
No. 1, 1972
No. 3, 1997
- When Nominees shall be deemed duly Elected
16. If no more candidates be nominated than can be elected the person or persons nominated shall be deemed to have been duly elected and such Clerk shall forthwith certify the same to the Bishop.

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| <p>Provision in case of contested Election
Amended:
No. 1, 1972
No. 3, 1997</p> | <p>17. If more candidates be nominated than can be elected an election shall be held either</p> <p>(a) at the Annual Meeting as defined in Section 71 of the Parish Administration Act 1984-1996, or</p> <p>(b) at a general meeting of Parishioners specially convened by such clerk pursuant to Section 74 of the said Parish Administration Act, or</p> <p>(c) at the centre of each congregation within the Parish or Parochial District</p> <p>as the Parish Council shall determine. For an election such clerk shall give or cause to be given in every such building notice specifying a day not less than seven days after the day of the closure for the receipt of nominations and also the hour and place or places for proceeding to an election and of the time during which the poll on such day shall be kept open.</p> |
| <p>Votes to be recorded by Clerk or Deputy
Amended:
No. 3, 1997</p> | <p>18. Irrespective of how such election shall be held, at the election such clerk shall either himself attend or depute some other person to attend to receive the votes of those who voted.</p> |
| <p>Parishioners to sign Declaration
Amended:
No. 3, 1997</p> | <p>19. Irrespective of how such election shall be held, every Parishioner before exercising his or her right of voting shall in the presence of such clerk or his deputy sign the declaration set out in Schedule B hereto.</p> |
| <p>Voting to be by Ballot
Amended:
No. 10, 1993
No. 3, 1997</p> | <p>20. Irrespective of how such election shall be held, voting in a Parish and Parochial District shall be by ballot and every declaration and record of votes shall be receiving and recording the same and in the case of deputies shall be forwarded to such Clerk who shall determine upon whom the election has fallen and in the event of an equality of votes the Clerk (due notice having been given to the candidates) shall determine by lot upon whom the election has fallen and shall forthwith certify the result to the Bishop.</p> |
| <p>Nomination and Election of Supplementary Representatives
Inserted:
No. 1, 1972
Amended:
No. 2, 1985
No. 3, 1991</p> | <p>20A. For the election of supplementary representatives nominations shall be received and an election held separate from the nominations to be received and an election to be held for those to be elected as primaries.</p> |
| <p>Certificates of Election</p> | <p>21. Such Clerk shall cause to be delivered to each person elected a certificate of his election and shall countersign and forward to the Bishop all minutes nominations subscriptions and records of votes.</p> |
| <p>Declaration of Lay Representatives at Synod
Amended:
No. 10, 1993
No. 7, 1995
No. 3, 1997</p> | <p>22. Each Lay Representative elected as aforesaid shall before taking part or voting at such Synod sign and deliver to the President thereof a declaration in the form following:-</p> <p>'I whose name is hereto subscribed do declare that I am an Adult Communicant of the Anglican Church of Australia and belong to no other religious denomination nor am I a lay representative of the Synod of any other Diocese in the said Church'.</p> |

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| Duration of Synods | 23. | The present Synod shall continue as a Synod until the first day of January in the year of Our Lord one thousand nine hundred and five and every future Synod that may be constituted shall continue as a Synod for a period of three years from the date of first meeting of such Synod but liable to dissolution in the meantime by the Bishop who shall have the right to dissolve such Synod subject to the provisions hereinafter contained. |
| When General Election shall be held | 24. | Within six months after every dissolution of the Synod by effluxion of time or otherwise a general election of Lay Representatives shall take place. |
| When Meetings of Synod shall be held
Amended:
No. 2, 1970 | 25. | Once at least in every year the Bishop shall convene the Synod by summoning thereto all members thereof at such time and place as the Bishop may fix and direct so that a period of eighteen calendar months shall not intervene between the last sitting of the Synod in one session and the first sitting of the Synod in the next session or between the last session of one Synod and the first session of the next Synod. And every Synod shall have power to adjourn from time to time as may be agreed upon by a majority of the members thereof and shall not be subject to be prorogued or dissolved without its own consent until it shall have sat for five several days whether in one session or more than one. |
| Public Notification of Meeting of Synod to be sufficient legal evidence etc. | 26. | The notification in the "Government Gazette" of the time and place appointed for the first meeting of any new Synod or of the first meeting after any prorogation thereof and the holding of a meeting in pursuance of such notification shall be sufficient legal evidence of the convening thereof and of compliance with the provisions or requirements of this Act as to the convening of any Synod and as to the election and summoning of Representatives. |
| Special Meetings of Synod | 27. | When it shall have been deemed expedient by the Bishop to convene the Church Synod for a special purpose and in the mandate convening the Synod or by notice given to the members of the Synod in any other manner he shall have stated the special purpose for which the Synod has been convened the session held in pursuance of that mandate shall be deemed a special session. |
| Except with Consent, only Special Business to be transacted | 28. | Unless the synod by a majority of two-thirds of the Clergy and the Laity then present and with the consent of the Bishop shall otherwise determine no business shall be transacted at a special session other than that which the Synod has been specially convened to consider. |
| Except with consent no Ordinary Business to be transacted
Amended:
No. 7, 1995 | 29. | No business required by any Act or resolution of the Synod to be done at an ordinary session shall be done at a special session unless with the consent of a majority of two-thirds of the Clergy and of the Laity then present and with the consent of the Bishop. |
| Term of Office of Member of Council etc not affected by Special Meeting | 30. | The term of office powers and duties of members of the Council of the Diocese and of Boards and Committees appointed at an ordinary session of the Synod shall not be limited or otherwise affected by a special session of the Synod anything contained in any Act of the Synod to the contrary notwithstanding. |
| Lay Representatives may resign | 31. | Any Lay Representative may resign his seat in the Synod by writing under his hand addressed to the President and from the time when such resignation shall have been received by him the seat of such member shall be vacant. |
| Seat of Absentee Vacated | 32. | The seat of any Lay Representative who shall have been absent from the Synod for an entire ordinary session without the leave of the Synod shall be thereby vacated. |

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- Attendance Book to be signed
33. Every Lay Representative shall on some day in each session enter his name in a book kept for that purpose and if the name of any Lay Representative be not so entered it shall be prima facie evidence of his absence during the whole of such session.
- Vacation of Seat on ceasing to be Member of Church
Amended:
No. 10, 1993
34. If any Lay Representative or Lay Supplementary Representative after election ceases to have the qualifications for election as provided for in Section 4 hereof the election shall be deemed invalid and the seat vacant.
- Provision for New Election in Case of Vacancies
Amended:
No. 10, 1993
35. If the seat of a Lay Representative becomes vacant for whatever reason that seat shall be filled from the supplemental list in the terms of Section 16 of The Regulation of Elections Act 1911-1991 and thereupon the Bishop may issue his mandate for a new election to be held to replace the Lay Supplementary Representative who filled the vacancy and every election so held shall be conducted in the manner herein provided for general elections and the name of the person so elected shall be placed lowest on the supplemental list.
- Requirements for Permission for a Supplementary to sit in synod
Inserted:
No. 1, 1972
- 35A. By leave of the Synod a duly elected Supplementary Representative may be permitted for an entire session to act in the place of a Lay Representative who is absent and such Supplementary Representative shall make the declaration and enter his name in the attendance book as required of Lay Representatives by this Act.
- Election Committee
36. On the first day of the first session of each Synod the President shall lay upon the table of the Synod a list of names not exceeding five of members chosen by him as a Committee to which all questions shall be referred as to the validity of any disputed election and such members shall form and be an Election Committee and the President shall have power to fill up any vacancies in the said Committee as the same may occur.
- President to appoint first meeting
37. The President shall appoint the time and place of the first meeting of the Election Committee and the said Committee shall not be competent to transact any business unless at least three members thereof shall be present.
- Determination of Committee to be final
Amended:
No. 10, 1993
38. Every Election Committee shall determine finally on all questions referred to it. The Committee shall report thereon to Synod if it is in Session and if not to the Bishop in Council.
- Determination: not elected
39. If any such Committee determine and report to the Synod that a person was not duly elected who was returned as elected any person so declared not to be duly elected shall cease to be a member of the said Synod.
- Determination: elected
40. If such Committee determine and report any person to have been duly elected who was not returned the person so declared shall be admitted a member of the said Synod upon making the declaration required as to his qualification and may take his seat accordingly.
- Bishop to issue new Mandate
41. If any such Committee declare an election to be wholly void or declare any sitting member to be unqualified the Bishop shall issue a new mandate for the

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holding of another election and the person hereinafter elected and duly returned shall be the Lay Representative of the Parish or Parochial District for which such mandate shall have been issued.

Report of committee to Synod Amended: No. 3, 1997

- 42. If any such Committee come to a resolution other than a determination made pursuant to Sections 39 - 41 hereof such Committee shall report the same to this Synod for its opinion and decision and the said Synod may confirm or rescind any such resolution and may make such order thereon as to the said Synod shall seem proper.

SCHEDULE A

Schedule A: Amended: No. 1, 1972 No. 10, 1993 No. 7, 1995 No. 3, 1997

We the undersigned do hereby nominate

.....

as a fit and duly qualified person who is willing to serve as a Lay Representative/Lay Supplementary Representative (cross out one) of the Parish or Parochial District of

.....

in the Wangaratta Diocesan Synod and each of the undersigned hereby declares himself or herself to be over the age of eighteen years a communicant and a member of the Anglican Church of Australia belonging to no other religious denomination and a Parishioner of the said Parish or Parochial District.

{.....
Signatures {.....
of Five {.....
or more Parishioners {.....
{.....

"I, the undersigned nominee being qualified under this Act to be so elected hereby assent to this nomination.

_____."

SCHEDULE B

Schedule B: Amended: No. 1, 1914 No. 1, 1972 No. 3, 1997

I the undersigned do declare that I

- 1. am a Parishioner (as defined by Section 8 (13) of the Acts Interpretation Act 1991 - 1995) of the Parish or Parochial District of and none other,
- 2. belong to no other religious denomination, and
- 3. have not already voted in this election.

(Note: each person voting is to sign in turn hereunder).

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SCHEDULE C

Schedule C:
Amended:
No. 1, 1972
No. 10, 1993

Repealed by Act No. 3, 1997.

Act Passed:	13th October	1904
Assented to:	10th November	1904
Act Amended by Act No. 2, 1907	Passed: 13th August	1907
	Assented to: 13th August	1907
Act Amended by Act No. 1, 1914	Passed: 5th August	1914
	Assented to 23rd October	1914
Act Amended by Act No. 1, 1916	Passed: 23rd August	1916
	Assented to: 23rd August	1916
Act Amended by Act No. 2, 1970	Passed: 17th August	1970
	Assented to: 26th August	1970
Act Amended by Act No. 4, 1971	Passed: 2nd August	1971
	Assented to: 15th September	1971
Act Amended by Act No. 1, 1972	Passed: 7th August	1972
	Assented to: 2nd October	1972
Act Amended by Act No. 2, 1985	Passed: 26th October	1985
	Assented to: 19th December	1985
Act Amended by Act No. 2, 1986	Passed: 13th September	1986
	Assented to: 13th September	1986
Act Amended by Act No. 3, 1991	Passed: 7th September	1991
	Assented to: 7th September	1991
Act Amended by Act No. 10, 1993	Passed: 28th August	1993
	Assented to: 15th September	1993
Act Amended by Act No. 1, 1994	Passed: 27th May	1994
	Assented to: 7th June	1994
Act Amended by Act No. 7, 1995	Passed: 1st September	1995
	Assented to: 4th October	1995
Act Amended by Act No. 3, 1997	Passed: 29th August	1997
	Assented to: 4th September	1997
Act Amended by Act No. 6, 2003	Passed: 31 st May	2003
	Assented to: 13 th June	2003
Act Amended by Act No. 3, 2009	Passed: 23 rd May	2009
	Assented to: 23 rd May	2009