WHEREAS it is considered desirable to amend The Constitution Act of the Diocese of Perth 1871, with a view to achieving improved consistency and clarity.

BE IT THEREFORE RESOLVED by the Archbishop Clergy and Laity of the Diocese of Perth in Synod assembled

1. This Statute may be cited as "The Constitution Act of the Diocese of Perth Amendment Statute 1871 Amendment Statute 2009".

2. The Constitution Act of the Diocese of Perth 1871 is hereby amended so that it provides as set forth in the Schedule.

SCHEDULE

WHEREAS from its establishment this Constitution has commenced:

In the Name of the Father, Son, and Holy Ghost, Amen.

Whereas it is desirable that the Members of the Church of England in the Colony of Western Australia, should be associated together by voluntary compact as a Branch of the said Church, for the ordering of the affairs, the management of the property, the promotion of the discipline of the Members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the Colony, to the Glory of Almighty God, and the edification and increase of the Church of Christ, and whereas at a Conference held at the Bishop's House, Perth, on the 13th day of July, 1871, the Bishop, and certain of the Clergy and Laity, representing a numerous body of the members of the said Church of England, agreed to a Constitution, provisionally, for the purpose aforesaid; and whereas the said Constitution is now presented for further consideration, and confirmation, at the First Session of the First Synod:

Now, therefore, the Bishop, Clergy, and Laity in Synod assembled, do solemnly declare and establish as follows:

This Branch of the Church of England in Western Australia, doth hold and maintain the Doctrine and Sacraments of Christ, as the Lord hath commanded in His Holy Word, and as the said Church of England hath received and explained the same in the Book of Common Prayer, in the form and manner of making, ordaining, and consecrating the Bishops, Priests, and Deacons, and in the XXXIX Articles of Religion.
AND WHEREAS that preamble is preserved and the declaration is maintained.

AND WHEREAS the Diocese of Perth is now a diocese of the Anglican Church of Australia.

AND WHEREAS the other provisions of this Constitution have undergone alteration at various times.

BE IT THEREFORE FURTHER RESOLVED by the Bishop, Clergy and Laity of the Diocese of Perth in Synod assembled

1. (1) Subject to section 2, the Synod of the Diocese of Perth shall consist of
   (a) the Bishop of the Diocese,
   (b) the licensed clergy of the Diocese,
   (c) the lay members of Synod elected or appointed pursuant to this Constitution,
   (d) the lay members of The Perth Diocesan Trustees,
   (e) the Chancellor, Registrar and Secretary of the Diocese,
   (f) the principal however described and a representative of each school or other educational institution of the Church in the Diocese recognised as such by the Diocesan Council,
   (g) two representatives of each entity of the Church in the Diocese, which has been established by the Synod, The Perth Diocesan Trustees or the Diocesan Council,
   (h) one representative of any other entity of the Church in the Diocese recognised as such by the Diocesan Council,
   (i) up to ten lay persons appointed by Diocesan Council for each Session of Synod, and,
   (j) Deleted.
   (k) up to five lay youth appointed by the Diocesan Council for each Session of Synod.

   (2) For the purposes of sub-section (1), in the absence of specific provision in this Constitution or in the constitution of the relevant body, a representative is to be appointed by the governing board council or committee of the relevant body.

Eligibility for Membership of Synod

2. (1) The persons who are eligible to be members of Synod are:
   (a) the Bishop of the Diocese,
   (b) any person from time to time acting as Administrator of the Diocese,
   (c) the licensed clergy of the Diocese,

1 Clauses (f) to (k) deleted and replaced Synod 2009
(d) any person in Holy Orders who is appointed as a representative of a body, or holds an office, designated in any of paragraphs (e) and following of sub-section (1) of section 1, and who, although not licensed, is authorised by the Bishop to officiate in the Diocese, and

(e) any person not in Holy Orders who has attained the age of 16 years, is baptised and confirmed, or has been received into communicant membership of the Anglican Church of Australia in accordance with the Reception Canon 1981, is a communicant member of The Anglican Church of Australia and of no church not in communion with this Church, who attends the public worship of this church, and who receives communion regularly including normally at Christmas and Easter.

(2) Before doing any act in Synod a member not in Holy Orders shall make and lodge with the Diocesan Secretary a declaration which reflects the terms of paragraph (e) of sub-section (1).

Ecclesiastical Districts

3. (1) The Diocese of Perth shall be divided into ecclesiastical districts, which shall be either parishes or parochial districts, as authorised or required by statute of Synod.

(2) Diocesan Council may from time to time alter the number, nature and boundaries of all or any ecclesiastical districts as authorised or required by statute of Synod.

(3) Any division or alteration contemplated by subsections (1) or (2) shall have force and take effect when made, but shall be reported to the next annual session of Synod by Diocesan Council and shall continue to have force and effect unless disallowed or altered by that session of Synod.

Elected Lay Members of Synod

4. (1) Each ecclesiastical district may elect two lay members of Synod.

(2) Each ecclesiastical district may elect an alternate lay member for each lay member it elects.

(3) Subject to this Constitution and any statute of Synod, the term of an elected lay member and of an alternate lay member shall expire at the commencement of the annual meeting of parishioners of the relevant ecclesiastical district at which a general election of lay members of Synod is next required to be held after the commencement of the term. An elected lay member and an alternate lay member whose term has expired may be re-elected.

(4) An elected lay member is entitled to attend, and to perform the functions of a lay member in respect of, any session of Synod held during the term of that member.

2 Inserted Synod 2008
(5) Should an elected lay member be unable to attend Synod when it is in session the alternate for that member, or in default the other alternate lay member elected by the relevant ecclesiastical district, may perform the functions of the elected lay member during that member’s absence from Synod and, while doing so, shall be deemed to be an elected lay member of Synod.

Appointed Lay Members of Synod

5. Deleted. 3

Election of Lay Members by Ecclesiastical Districts

6. Synod by statute shall make provision for the orderly, effective and impartial conduct of elections of lay members and alternate lay members of Synod by ecclesiastical districts, including provision for determining the validity of disputed returns.

Electors

7. Every person of or above the age of 16 years who shall have signed a declaration in the following form, "I declare that I am a bona-fide member of The Anglican Church of Australia, and of no church that is not in communion with this Church" and who is enrolled as a parishioner, shall be qualified to vote at the election of lay members and alternate lay members of Synod for the ecclesiastical district for which the person is so enrolled.

Termination of Membership of Synod

8. (1) A member of Synod, not being a licensed member of the clergy of the Diocese, may resign from membership of Synod by writing addressed to the Bishop. The resignation takes effect on its receipt by the Bishop.

(2) A member of Synod, not being a licensed member of the clergy of the Diocese, who is absent throughout any session of Synod without having obtained the leave of Synod at that session, shall thereby cease to be a member of Synod.

(3) The membership of Synod of a person shall also cease:
   (a) on the death of the person;
   (b) on the person ceasing to be eligible to be a member of Synod;
   (c) on the expiry of the term of the person;
   (d) when the person ceases to hold the office designated in subsection (1) of section 1 which qualified the person to be a member; or
   (e) when the appointment of the person as a representative of a body designated in subsection (1) of section 1 is terminated or expires.

3 Clause 5 deleted at Synod 2009
Casual Vacancies of Elected Lay Members

9. (1) Should an elected lay member of Synod cease to be a member of Synod before the expiration of the term of that member, the alternate for that member, or in default the other alternate lay member elected by the relevant ecclesiastical district, shall thereupon become an elected lay member in the place of, and for the balance of the term of, the former elected lay member.

(2) (a) Subject to sub-section (1), a vacancy for an elected lay member or an alternate lay member which occurs other than by the expiration of the term of a former member or alternate member, shall be filled for the balance of the term of the former member or alternate member by a person appointed by the parish council of the relevant ecclesiastical district;

(b) Should the vacancy not be filled by the parish council within 3 months of the vacancy occurring the Bishop may take other steps authorised by statute of Synod to fill the vacancy for the balance of the term of the former member or alternate member.

Synod Sessions

10. (1) Synod shall be convened at a time and place determined by the Bishop.

(2) There shall be an annual session of Synod in every year.

(3) A special session of Synod shall be convened upon the written requisition of one-fourth of the clerical, and one-fourth of the lay members of Synod, but only on such requisition.

Proceedings of Synod

11. (1) Synod shall not be prevented from conducting its business, and the proceedings of Synod and any statute resolution or rule passed by Synod shall not be vitiated, by reason of any informality in respect of the convening of Synod, or in the election, appointment or summoning of any member of Synod or by the failure duly to do so, or by the absence of any member. The proceedings of Synod and any statute resolution or rule passed by Synod shall not be vitiated by the presence and participation of a person who is not duly a member.

(2) The presence of the Bishop and one quarter of the clerical and one quarter of the lay members of Synod shall be necessary to constitute a quorum.

(3) Subject to sub-sections (4) and (5), the Bishop, the clerical and the lay members of Synod shall sit debate and vote as one body.

(4) Subject to the provision for the alteration of this Constitution, any two clerical or any four lay members present, may require that a vote then to be taken by Synod be taken by Orders, in which event –
(a) the members of Synod in Holy Orders, other than the Bishop, shall vote as the House of Clergy, and the members not in Holy Orders shall vote as the House of Laity;

(b) subject to paragraph (c) no resolution shall be taken to be adopted by Synod unless it is carried in each of the House of Clergy and the House of Laity by a majority of the members present and voting, and it is assented to by the Bishop; and

(c) when Synod is considering a bill for a statute or a statutory resolution, paragraph (b) applies to the final resolution that the bill do now pass, but, any other resolution in the course of that consideration shall be taken to be adopted by Synod if carried in each of the House of Clergy and the House of Laity by a majority of the members present and voting.

(5) When, pursuant to subsection 4, a resolution has been duly carried in each of the House of Clergy and the House of Laity

(a) the Bishop may delay deciding whether to assent to the resolution or to dissent from it for not exceeding one month;

(b) should the Bishop dissent from the resolution, all action on it shall be suspended until the next session of Synod, whether an annual or a special session, when it shall again be considered by Synod and if it is confirmed by being carried in each of the House of Clergy and the House of Laity by not less than two-thirds of the members present and voting, and the Bishop maintains his dissent, the resolution shall be referred to the Provincial Council of the Province of Western Australia.

(6) Where a resolution is referred to the Provincial Council pursuant to subsection (5), that resolution shall be taken to be adopted as a resolution of Synod, or lost, according to the vote of the Provincial Council on the resolution. The vote of the Provincial Council shall be final.

Standing Orders

12. (1) Subject to this Constitution, Synod may adopt Standing Orders to regulate its proceedings.

(2) The Standing Orders in force at the conclusion of a session of Synod shall continue in force for the purposes of the next session, but they may be amended at that next session.

Alteration

13. It shall not be competent for Synod to make any alteration to this Constitution unless

(a) notice of the motion to effect the alteration is given at the previous annual session of Synod, and

(b) the alteration is carried by not less than three-fourths of the members present voting as one body.
Holy Orders

14. In this Constitution and in any statute of Synod, unless the context or subject matter otherwise requires, words and phrases referring to the diaconate, priesthood and episcopate, including, but without limiting the generality of this provision, "bishop", "clergy", "person in Holy Orders", and also "priest", "deacon", "clergyman", "curate", "clerk in Holy Orders" and "minister", shall be capable of including females and in the use of any of the Formularies of this Church words importing females may, consistently with this provision and when the occasion and circumstances so require, be substituted for words importing males.

Interpretation

15. (1) In this Constitution unless the context or subject matter otherwise requires

"Bishop" means the Bishop of the Diocese and includes any person while acting as Administrator of the Diocese;

"Church of England" is a reference to the Church from which this Church is derived;

"clergy" is a reference to persons in Holy Orders ordained in this Church or in any other church in communion with this Church, and "clerical" has a corresponding meaning;

"general election" has the meaning provided in the statute of Synod regulating the election of lay members of Synod;

"lay" is a reference to persons not in Holy Orders, and "laity" has a corresponding meaning;

"licensed" is a reference to a member of the clergy who holds a current licence under the seal of the Bishop;

"member of this Church" has the same meaning as in the Constitution of The Anglican Church of Australia;

"this Church" means The Anglican Church of Australia, being formerly known as the Church of England in Australia and being derived from the Church of England.⁴

Citation

16. This Constitution as amended may be cited as "The Constitution Act of the Diocese of Perth 1871⁵".

⁴ ‘– 2003’ deleted Synod 2008