

THE SYNOD ACT 1997¹

AN ACT TO AMEND AND TO CONSOLIDATE THE LAW RELATING TO THE CONVENING AND HOLDING OF SYNOD.

BE IT ENACTED by the Bishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Bendigo duly met in Synod according to law as follows :-

1. This Act may be cited as "The Synod Act 1997".
2. The Synod Act 1973 is hereby repealed provided that such repeal shall not affect any operation already effected by or act done under any enactment therein comprised or any right, title, obligation or liability already acquired or accrued under any such enactment.

Holding of Synod.

3. The Bishop shall convene a synod of the clergy and the laity of the Diocese in accordance with the provisions contained in this Act.
4. Each synod shall be constituted by three ordinary sessions and such special sessions as the Bishop shall convene.
5. (1) A session of synod shall be convened at least once in every year at such time and place as the Bishop may fix or direct and no period of more than eighteen calendar months shall intervene between the conclusion of one session and the commencement of the next session or between the last session of one synod and the first session of the next synod.

(2) Subject to the provisions of the preceding sub-section, every Synod shall have power to adjourn from time to time as may be agreed upon by a majority of the members thereat.
6. It shall be lawful for the Bishop to prorogue a session or dissolve such synod at any time after it has sat for one full day.
7. The notification by Bishop's mandate for the first meeting of any new synod or of the first meeting after any prorogation thereof shall be sufficient legal evidence of the convening thereof and of compliance with the provisions and requirements of this Act.

¹ No 6 of 1997.

Composition of Synod.

8. The synod shall consist of :
 - (a) the Bishop;
 - (b) the members of the House of Clergy; and
 - (c) the members of the House of Laity.
9. (1) The Bishop shall preside at every session of synod and shall have and may exercise within the limits of the Diocese of Bendigo all the powers and authorities which a Bishop of the Anglican Church of Australia in Victoria may lawfully exercise.

(2) Notwithstanding the provisions of the preceding sub-section, the Bishop may appoint in writing a commissary to preside in a synod or a session of a synod in his absence.
10. The House of Clergy shall consist of the deacons and priests licensed by the Bishop to a specific office within the Diocese of in any mission field.
11. The House of Laity shall consist of:
 - (a) the Chancellor of the Diocese;
 - (b) the Advocate of the Diocese;
 - (c) the Registrar of the Diocese;
 - (d) two representatives of each parish and authorized congregation elected or appointed in accordance with this Act; and²
 - (e) not more than four persons to be appointed by the Council of the Diocese.

Vacant and Co-operating Parishes.

12. If at the time at which a session is held there is no incumbent in a parish within the Diocese the Bishop, at his sole discretion may invite to that session of synod any priest who during the vacancy has been involved in the care of the parish.
13. At his sole discretion, the Bishop may invite to any session of synod any person who is an ordained minister of a Christian denomination other than the Anglican Church of Australia and who, with the approval

² Section 11 (d) replaced in 2017 according to the Miscellaneous Amendments Act 2017

of the Bishop, has the pastoral oversight of laity of the Anglican Church within the Diocese.

14. Any person invited by the Bishop to attend any session of a synod pursuant to the provisions of the preceding two sections shall be entitled to participate in the debate upon any motion then being considered by the synod but shall not be entitled to propose or second any motion, to vote upon any motion, to nominate any person for election to an office or committee appointed by the synod or to vote in any election.

Election of Lay Members.

15. At a time after the conclusion of the third ordinary session of a synod and no later than the 31st day of December in that year the Bishop shall issue a mandate for the election of lay members and supplementary lay members of synod such election to take place at the next annual parish meeting.
16.
 - (1) At the first annual parish meeting held after the receipt from the Bishop of a mandate so to do, there shall be elected two persons to be lay members of synod and two persons to be supplementary lay members of synod.
 - (2) In the event of there being a failure at the annual parish meeting to elect all or a sufficient number of persons to be lay members and supplementary lay members, any vacancies shall be filled by the parish council and in the event of the parish council failing, neglecting or refusing to do so, the Bishop shall nominate such persons as he considers to such vacant positions.
17. Every communicant parishioner who, at the time of election or appointment, has attained the age of 18 years and who does not belong to any other religious denomination is eligible for election or appointment as a lay member or a supplementary lay member of synod and shall continue in such office until the day of the annual meeting first held after the issue by the Bishop of a mandate for the election of lay members.³
18. After every annual parish meeting at which lay members and supplementary lay members of synod have been elected and, where applicable, whenever a vacancy has been filled by the parish council, the parish secretary shall forthwith notify the Registrar in writing in the form contained in the First Schedule hereto of the names and addresses of the persons so elected and of the order in which the supplementary members were elected.
19.
 - (1) Before taking part in or voting at any session of a synod, each lay member or, where applicable, supplementary lay member

³ Section 17 amended in 2002 according to the Miscellaneous Amendments Act 2002.

elected or appointed pursuant to the provisions of this Act shall sign and deliver to the President thereof a declaration in the following form:

I do declare that I am a communicant member of the Anglican Church of Australia and belong to no other religious denomination.

- (2) In addition to the requirement contained in the previous sub-section, every lay member shall on some day in each session sign a book kept for that purpose and if the name of any lay member be not signed it shall be prima facie evidence of the absence of that member during the whole of such session.
20. (1) Any lay member who is unable to attend any session of the synod shall notify the Registrar in writing of such inability and the Registrar shall advise the Bishop accordingly.
 - (2) Upon receipt of advice pursuant to the preceding sub-section, the Bishop shall summon a supplementary lay member to attend the session in the place of the person unable to attend.
 - (3) During the session of synod to which the supplementary lay member was summoned to attend, that person shall assume for all purposes the seat of the lay member who was unable to attend.
21. A lay member may resign as a member of synod by writing addressed to the Bishop and from the time when such resignation has been received by the Bishop the seat of such member shall be vacant.
 22. The seat of any lay member who shall have been absent from the synod for an entire ordinary session shall be vacated unless that member has submitted to the Bishop an explanation which to the Bishop is satisfactory.
 23. If a lay member shall -
 - (a) cease to be a communicant parishioner in the parish by which the member was elected; or
 - (b) become incapacitated by reason of mental or physical impairment to such an extent that the member is unable to fulfil the responsibilities attached to a lay member of synod; or
 - (c) be guilty of conduct implying secession from the Anglican Church of Australia -

the seat of that member may be declared vacant by a resolution of the Council of the Diocese.

24. If a lay member dies or resigns as a member or if the seat of that member be vacated pursuant to the provisions of the preceding section, a person elected as a supplementary lay member shall act in the place of the former member.
25. Unless he or she shall die, resign or otherwise become ineligible to be a member of synod, every lay member and supplementary member of synod shall continue in such office until the issue by the Bishop of a mandate to convene another synod.

Special Session of Synod

26. When the Bishop deems it expedient to do so, he may convene a session of
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 state the specific purpose and that session shall be a special session.
27. Unless the synod by a majority of two-thirds of the total members then present and with the consent of the Bishop otherwise determine, no business shall be transacted at a special session other than that for which the synod had been specifically convened to consider.
28. The term of office, powers and duties of members of the Council of the Diocese and of the Boards or Committees appointed at an ordinary session of synod shall not be limited or otherwise affected by a special session of the synod.

Date of Operation.

29. This Act shall come into operation on the day immediately following the last day of the third ordinary session of the 32nd Synod