

DIOCESE OF ROCKHAMPTON

THE CANON INTERPRETATION CANON 1893-2010

Canon Signed by President to be Deemed Original Record

- 1. On the passing of any Canon by the Synod the Canon as passed which may be written or printed shall be signed by the President and shall be certified by him in the following form that is to say:-

I certify that this Canon was passed by the Synod on the19

As witness my hand this19

A.B.,

President.

and such Canon so certified shall be deemed to be the original record.

Certified Copies of Canons

- 2. A copy of any Canon purporting to be certified under the hand of the President for the time being of the Synod in the following form:-

I certify that this is a true copy of the Canon entitled which was passed by the Synod on the19 and the same is in force.

shall be received as due evidence of the passing of such Canon and of the contents thereof and that the same is in force.

Canons to be Divided into Sections

- 3. All Canons to be hereafter made and passed by the Synod shall be divided into sections if there be more enactments than one which sections shall be deemed to be substantive enactments without any introductory words.

Canons may be Altered, etc., in the Same Session

- 4. Every Canon of the Synod may be altered amended or repealed either in the same session or in any future session hereafter.

Repealed Enactments

- 5. Wherever any Canon shall be made repealing either in whole or in part any former Canon and substituting some provision in lieu thereof such provision so repealed shall remain in force until the substituted provision shall come into operation by force of the last made Canon and such repeal shall not without express words affect any act matter or thing commenced to be done under the repealed Canon but the same may be continued under the said repealed Canon unless the provisions of the repealing Canon shall be adapted to such continuation.

Repealed or Expired Enactments

6. The repeal of any enactment by which a previous enactment is repealed shall not have the effect of reviving such last mentioned enactment without express words.

Time of Commencement of Canons

7. Every Canon heretofore or hereafter passed by the Synod shall unless otherwise expressed be deemed to have commenced and shall take effect on the day on which such Canon shall have been assented to by the Bishop and the date purporting to be that of such assent which shall appear on any copy of such Canon printed by the authority of the Bishop-in-Council shall be received for all purposes as evidence of the date of such assent.

Definitions

8. Whenever the word

BISHOP

“Bishop” shall be used in the Constitution in this or any Canon hereafter enacted or in any forms or schedule therein contained or referred to or thereto annexed the same shall mean the present Bishop of the Church of England in the Diocese of Rockhampton his successors in office and (except where otherwise provided or when the context otherwise indicates) any person acting as his Commissary or exercising the powers of the Bishop under the provisions of the Constitution and the words

BISHOP-IN-COUNCIL

“Bishop-in-Council” shall mean the Bishop acting by and with the advice of the Diocesan Council and the word

CANON

“Canon” shall mean and include any enactment of the Synod and the word

CHANCELLOR

“Chancellor” shall mean the Chancellor of the Diocese for the time being appointed by the Bishop by instrument under his hand and seal and unless the context otherwise requires shall include the Deputy Chancellor and the word

CHURCH

“Church” (when the context clearly shows that it is not applicable to a building) shall mean the Church known as and forming the Branch of the Church of England in the Diocese of Rockhampton and where the context shows that the word “Church” is intended to be applied to a building the same shall be deemed and taken to mean a building licensed consecrated or set apart for the worship of God according to the rites and ceremonies of the Church of England and the words

CLERGY AND CLERGYMAN

“Clergy” and “Clergyman” shall mean and include any member of the Church in Holy Orders whether holding the Bishop’s License or not and the word

COMMISSARY

“Commissary” shall mean the person appointed to be the Commissary pursuant to the provisions of Section 27 of the Constitution by the Bishop who may confer with such appointment the title of “Administrator”, or “Commissary” or “Vicar General”, or such other title as the Bishop shall think fit and the word

CONSTITUTION

“Constitution” shall mean the Articles of Agreement entered into by the Bishop Clergy and Laity of the Church of England in the Diocese of Rockhampton in the Colony of Queensland on the 29 June 1893 the Constitution Amendment Canon and any Canon that may hereafter be passed by the Synod further amending or altering the provisions of the said articles of agreement and the word

CORPORATION

“Corporation” shall mean the body corporate incorporated under the name and style of “The Corporation of the Synod of the Diocese of Rockhampton” and the words

DELEGATE AND LAY REPRESENTATIVE

“Delegate” and “Lay Representative” shall mean and include Synodsmen and any representative elected by the Synod to act on any Board or Committee and the words

DIOCESAN COUNCIL

“Diocesan Council” shall mean the Council appointed to assist the Bishop in the conduct of the business of the Synod at such times as the Synod shall not be sitting and the words

DIOCESE OF ROCKHAMPTON AND DIOCESE

“Diocese of Rockhampton” and “Diocese” shall mean and include so much of Queensland as is bounded on the North by the twenty-second parallel of South latitude and on the South by the Southern boundaries of the Central District as defined by “The Real Property (Local Registries) Act of 1887” and which boundaries are described in the first schedule of that Act until the same shall be reduced by the creation of new Diocese or by the rectification of the northern boundary by and with the consent of the Synods of Rockhampton and Northern Queensland and thereafter shall mean the area to which the Diocese shall from time to time be limited by the creation of such new Diocese or by such rectification of the boundary and the word

ELECTOR

“Elector” shall mean any person who is qualified to vote under the provisions of the Parochial Canon and the words

LEGAL ADVISER

“Legal Adviser” shall mean the Legal Adviser for the time being appointed by the Bishop by instrument under his hand and seal and the words

LICENSED CLERGYMAN

“Licensed Clergy” and “Licensed Clergyman” shall respectively mean and include any person in Holy Orders holding the Bishop’s License to any special charge or cure or to the performance of any spiritual duty or service within the Diocese and the words

MEMBER OF THIS CHURCH

“Member of this Church” shall have the meaning assigned to it from time to time by the Constitution of the Anglican Church of Australia and the words

OFFICE BEARER

“Office Bearer” shall mean and include all laymen who shall have assented to the authority of the Synod and shall have accepted any office charge or trust under its authority and the word

PRESIDENT

“President” shall mean the Bishop the Commissary appointed by him or other person for the time being presiding at any meeting of the Synod under the provisions of the Constitution or any Canon and the word

PROPERTY

“Property” shall mean and include all property real or personal property including money and securities for money and the word

REGISTRAR

“Registrar” shall mean the Registrar for the Diocese of Rockhampton for the time being appointed by the Bishop-in-Council and the word

REPEAL

“Repeal” shall mean and include the revocation abrogation rescission or alteration of any enactment of the Synod and of any and every contract or agreement contained in such enactment or constituted thereby and the word

SYNOD

“Synod” shall mean the governing body of the Branch of the Church of England in the Diocese of Rockhampton and the word

SYNODSMAN

“Synodsmen” shall mean a layman duly elected as a representative in Synod and the word

TREASURER

“Treasurer” shall mean the Treasurer of Synod for the time being.

Interpretation of Other Terms and Canons

9. In this and in all Canons hereafter enacted and in all forms and schedules therein contained or referred to or thereto annexed words importing the masculine gender shall be deemed and taken to include the feminine and the singular to include the plural and the plural the singular unless the contrary as to gender and number is expressly provided.

When Power Discretionary and When Not

10. Wherever in the Constitution or in any Canon a power is conferred upon any person by the word “may” or by the words “shall be lawful” applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion and where the word “shall” is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.