

DIOCESE OF ROCKHAMPTON

CONSTITUTION

Title

1. The Constitution for associating together as a branch of the Church of England, the members of the said Church resident in the Diocese of Rockhampton, in the Colony of Queensland, agreed to at a Synod of the Bishop, the Clergy, and Laity of the said Diocese, assembled in the Town or City of Rockhampton, this Twenty-ninth day of June 1893.

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

Preamble

2. Whereas it is desirable that the members of the Church of England in the Diocese of Rockhampton should be associated together as a Branch of the said Church, and that a representative body should be constituted for the government of the same; *And whereas*, until due provision shall be made in that behalf by competent authority, it is desirable that the members of the said Church should, so far as they lawfully may, associate themselves 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 said Diocese, to the glory of ALMIGHTY GOD and the edification and increase of the Church of CHRIST; *And whereas* the Bishop, the Clergy, and the Laity, by their representatives, have met together to determine the Fundamental Provisions on which the members of such Branch of the said Church should be thus associated together, and for the purpose of deciding on the Constitution and defining the powers and jurisdiction of the governing body of such Branch of the said Church, and of prescribing the terms and conditions on which the property of such Branch of the said Church should be held and administered:

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

I. - FUNDAMENTAL PROVISIONS

Declaration of Doctrine

3. This Branch of the Church of England in the Diocese of Rockhampton, doth hold and maintain the doctrine and sacraments of CHRIST, as the LORD hath commanded, and as the said Church of England doth receive the same, together with the Holy Scriptures and the book known as The Book of Common Prayer, and administration of the sacraments, and other rites and ceremonies of the Church, according to the use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in Churches, and the form or manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, and also -The Articles agreed upon by the Archbishops and Bishops of both provinces and the whole Clergy in the Convocation, holden at London, in the year 1562. And the Synod hereinafter constituted for the government of this Branch of the said Church shall also hold and maintain the said doctrine and sacraments of CHRIST, and all and every of the said Scriptures, books, and Articles hereinbefore enumerated.

Proviso for Alteration

4. *Provided always* that nothing herein contained shall prevent the said Synod from accepting such alteration of the abovenamed matters, books, and formularies as may from time to time be adopted by the said Church of England.

And the said Bishop, Clergy and Laity do further declare and establish as follows:-

Constitution of Synod

5. There shall be a governing body for the management of the affairs of the said Church, to be called the Synod of the Branch of the Church of England, in the Diocese of Rockhampton, in the Colony of Queensland, which shall consist of three distinct orders, viz: The Bishop, the Clergy, and the Laity; the consent of all of which orders, by their majorities, shall be necessary to all acts binding upon the Synod, and upon all persons recognising its authority.

Assent of President not necessary to Resolutions affecting election of Bishop

(See Section 24 of the Synod Canon).

6. Notwithstanding anything in the Constitution contained to the contrary the consent of the Bishop or the President for the time being of the Synod shall not be necessary to any Act Canon or Resolution approving the nomination of a Bishop to the See or affecting his election thereto and every said Act Canon or Resolution shall be effective and binding upon the Synod and all persons recognising its authority if passed by a majority of the Clergy and a majority of Laymen then present.

Fundamental Provisions

7. The foregoing provision shall be deemed FUNDAMENTAL PROVISIONS.

II. - PROVISIONS NOT FUNDAMENTAL***Synod to be convened once in every Financial Year***

8. The Synod shall be convened and held at least once in every financial year by summons of the Bishop stating the time and place of meeting and the Bishop or in his absence the Administrator shall be the President of the Synod and may adjourn prorogue or dissolve the same with the concurrence of Synod.

No Canon having the force of law or contract to be passed in the absence of the Bishop

Provided however that in the absence of the Bishop no Canon shall be passed having the force of law or contract binding on the Synod or any person recognising its authority.

The First Synod

9. The Synod now sitting having been convened and constituted in pursuance of resolutions made and passed at Conferences of the Bishop, the Clergy, and representatives of the Laity assembled in Rockhampton on the 1st day of December 1892, and on the 28th day of June 1893, shall be taken to be the first Synod of the Branch of the Church of England in the Diocese of Rockhampton, in the Colony of Queensland.

New Elections

10. The Synod shall, from time to time, determine at what period new elections of Lay Representatives shall be made.

Standard of Qualification

11. It shall be lawful for the Synod to fix the standard of qualification, and to appoint the time and mode of registration, for the purpose of determining what persons are admissible to take part in the election of Lay representatives, and also to declare what qualifications should be required of the persons so to be elected as Lay representatives.

Persons declared incompetent not to hold any office

12. No person shall be permitted to take part in the proceedings of the Synod or of any Committee thereof or to hold any office whether honorary or for emolument who shall have been declared incompetent to do so by the Synod or any Tribunal acting under the authority thereof or who shall have neglected or declined to sign the Declaration required by the 25th clause of the Constitution.

Patronage

13. The Synod shall have full power to determine how and by whom patronage shall be exercised, and in what manner, and on what conditions, every Clergyman, Trustee, Lay Reader, Churchwarden, Schoolmaster, or other office bearer or agent, whether clerical or lay, shall enter upon the use and occupation of any portion of the Church property held in trust under the provisions of these presents, and in what manner and upon what conditions all such office bearers, whether clerical or lay, shall receive their respective appointments; and the Synod shall have full power to fix the amount of all salaries, dues, fees, or other emoluments, payable to any person out of the proceeds of any property held by or in trust for the said Synod.

Officers to be removed by the Synod

14. All Clergymen, Trustees, Churchwardens, Schoolmasters, Lay Readers, or other office bearers or agents, who shall be so appointed, or who shall receive any income or emolument from or out of the said trust property, and all office bearers who, whether receiving any emolument therefrom or not, shall have consented to hold their appointments under and in conformity with the provisions of these presents, shall be liable to be deposed, removed, or suspended from their respective appointments by the Synod, if from any cause whatever the Synod shall deem it expedient and proper to exercise such power, and whenever any Clergyman, Trustee, Lay Reader, Churchwarden, Schoolmaster, or other office bearer or agent, whether clerical or lay, shall be deposed, removed, or suspended from his appointment, he shall ipso facto cease to have or exercise such function or office under the provisions of these presents, and shall be absolutely deprived of all rights, emoluments, stipend, or salary, to which by virtue of such appointment he would thereafter have been entitled, but for such deposition, removal or suspension; and shall forthwith deliver up to the Synod, or to Trustees appointed by them all such trust property, and all such deeds, books, papers, money and effects, belonging or relating thereto, as may then be in his occupation, possession, or power.

So much of this as is inconsistent with the Tribunal Canon is repealed by the Repealing Canon.

Judicial Tribunal

15. Subject to the provisions of these presents, the Synod shall constitute and appoint a tribunal to hear and decide all questions of doctrine or discipline, as touching any person, whether clerical or lay, who shall hold any office or appointment whatsoever under the control of the Synod.

Persons holding Church Property to render account

16. The Synod may call upon any person holding property belonging to the Church in the Diocese, or in any parish thereof, or in which the Church or any such parish is in any manner interested, to render a full account of all such property, and of the manner in which the same and every part thereof is applied and disposed of.

Management of Church Property

17. It shall be lawful for the Synod to frame such regulations as shall be found necessary, from time to time, for the management and disposal of all Church property, moneys, revenues and collections, not diverting any specifically appropriated or the subject of any specific trust, nor interfering with any vested rights, and for the government of all person holding office under, or receiving emolument from, the Synod, and generally to make all such regulations as shall be necessary for the order, good government, and efficiency of the said branch of the Church of England.

Diocesan Council

18. It shall be lawful for the Synod to appoint a Standing Committee, consisting of not less than four clerical and four lay members, to act as a Council to the Bishop, and to assist him in conducting the business of the Synod at such times as it shall not be sitting.

Provided always, that such Committee, which shall be called the Diocesan Council, shall bring up a report of their proceedings at the commencement of each session of the Synod.

Delegated Authority

19. It shall be lawful for the Synod to delegate to any Standing or other Committee or to any Board or Commission either specifically as the case may require or under such regulations as shall be laid down by the Synod all or any of the powers conferred upon the Synod by the Constitution or any Canon of the Synod excepting always any powers conferred upon the Synod by such of the provisions of the Constitution as are thereby declared to be fundamental.

Provided that all acts done by virtue of such delegated authority shall (except where such authority has been exercised by the Diocesan Council) be submitted to the next session of the Synod for ratification.

Election of Bishop

20. In case of the voidance of the See the election shall proceed in accordance with the provisions of the Canon relating to the election of a bishop that is currently in force at the time of such voidance.

Incorporation of Synod

21. The necessary steps shall at once be taken under the "Religious Education and Charitable Institutions Act of 1861" to procure the Incorporation of the President, Chairman of Committees, and Treasurer of the Synod, under the designation or style of the "Corporation of the Synod of the Diocese of Rockhampton," which said Corporation shall when created be a trustee for the Church, and may take and hold any real and personal property in trust therefore or for any person or persons holding for the time being any office therein.

Church Property to be conveyed to Synod

22. All real and personal property which may hereafter be purchased by, or granted or given to the Church shall be transferred to the said Corporation, and be held, managed, and dealt with by that body in conformity with any express trust or trusts to which the same is subject, and shall so far as the same is not subject to any trust or trusts as aforesaid, or so far as any such trust or trusts shall not extend, be held, and managed, and may be mortgaged, charged, alienated, or otherwise dealt with and disposed of by the said Corporation in such manner as the Synod may from time to time direct, and all property so transferred to the Corporation or which shall at any time become vested therein shall as to the management thereof be subject to the Canons, Rules and Regulations of the Synod in force, and which, for the time being are applicable thereto, and all moneys raised or received by or from any sale, mortgage or lease, shall be applied for such purposes and generally in such manner or the benefit of the Church as the Synod may from time to time direct.

Doctrines to be taught by Officers

23. The doctrines which shall from time to time be taught or inculcated by the Bishop, Clergy, Schoolmasters, Lay Readers, or agents and others, wholly or partially endowed or maintained by the proceeds of the property held subject to the provisions of these presents, and the doctrines which shall from time to time be taught or inculcated in any church or chapel, whether cathedral, parochial, collegiate or missionary, or in any college or school, or any other building which shall be either wholly or partially built out of the funds derived from the property held subject to the provisions of these presents, or upon sites held by Trustees appointed under these presents, shall not be repugnant to the doctrines and sacraments of CHRIST as OUR LORD hath commanded, and as the Church of England doth receive the same, and as the same are explained and contained in the Holy Scriptures, in the Book of Common Prayer, and in the Thirty-nine Articles as set out in the Fundamental Provisions of these presents. And it shall be the duty of all Trustees appointed pursuant to the provisions of these presents, to obey all instructions issued to them by or on behalf of the Synod for the purpose of guarding as far as possible against any trust property or proceeds therefrom being so applied or disposed of so as to promote the teaching or inculcating of any doctrine repugnant to those of the Church of England as so explained.

Submission of the Bishop

24. Any Bishop elect shall, either before his consecration, or if already consecrated, before exercising any episcopal function in this Diocese, sign and subscribe the following declaration:-

I, *A.B.*, chosen Bishop of the Church and See of Rockhampton, do promise that I will teach and maintain the doctrine and discipline of the Church of England, as acknowledged and received by the Synod of the Diocese of Rockhampton; and I do also declare that I consent to be bound by all the Canons and Regulations of the said Synod, which are now or may hereafter be in force; and in consideration of being appointed Bishop of the said Church or See of Rockhampton, I do hereby undertake

immediately to resign the said appointment, together with all the rights and emoluments appertaining thereto, if sentence requiring such resignation should at any time be passed upon me, after due examination had, by the Tribunal acknowledged by the said Synod for the trial of a Bishop, saving all rights of appeal allowed by the said Synod.

Submission of officers

25. No Clergyman, Trustee, Churchwarden, Lay Representative, Schoolmaster, Lay Reader, Catechist, or other agent or office bearer shall be admitted to any office under the provisions of these presents, or be entitled to receive any income, emolument, or benefit from or out of the property held under the same, unless and until he shall have signed a declaration of his adhesion and submission to the provisions of these presents in the following form:-

I, *A.B.*, do declare my submission to the authority of the Synod of the Branch of the Church of England in the Diocese of Rockhampton, in the Colony of Queensland, established by a Constitution agreed to on the 29th day of June 1893, and my consent to be bound by all the provisions of the said Constitution, and by all the Canons and Regulations which are now or may hereafter be in force by the authority of the Synod. And I hereby undertake immediately to resign my appointment, together with all the rights and emoluments appertaining thereto, if sentence requiring such resignation should at any time be passed upon me, after examination had, by the Tribunal appointed by the Synod of the said Diocese, saving all rights of appeal allowed by the said Synod.

Given under my hand this day of
In the presence of

Absence of Bishop

26. During the absence of the Bishop from the Diocese or during the vacancy of the See the powers vested in the Bishop, subject to Section 8 of this constitution, shall be exercised by the Administrator.

Next in Ecclesiastical Rank

27. For the purpose of Section 26 of this Constitution the Administrator shall be deemed to be a commissary appointed by the Bishop which appointment shall be deemed to continue during the vacancy of the See but in case no such commissary shall have been appointed by the Bishop, the Administrator shall be deemed to be a Licensed Clergyman resident in the Diocese appointed as Administrator by the Diocesan Council which for the purpose of such appointment shall elect its own Chairman.

When the Bishop makes an appointment of a commissary he shall announce such an appointment at the next meeting of the Diocesan Council and such announcement shall be recorded in the minutes of that meeting.

Determinations Accepted

28. The determinations of the said General Synod of the Diocese in Australia and Tasmania mentioned and described in the Schedule to this Constitution shall be deemed to have been duly and legally accepted by this Synod and to be of full force and effect in the Diocese of Rockhampton.

Mode of acceptance of Determinations of the General Synod

29. The mode of acceptance of future Determinations of such General Synod shall be by Canon.

Date of Constitution

30. The foregoing Constitution for associating together as a Branch of the Church of England, the members of the said Church residing in the Diocese of Rockhampton, in the Colony of Queensland, was agreed to at a Synod of the Bishop, Clergy, and the Laity assembled in the said Town or City of Rockhampton, on the 29th day of June 1893.

In witness whereof the said Bishop, Clergy, and Laity have hereunto subscribed their hands.

NATHANIEL
Bishop of Rockhampton

A.H. JULIUS
Rector of St Saviour's, Gladstone

R.A. RANKING
Rockhampton

JOHN HUNT
Rector of St Peter's, Springsure

W. SPIER
Rockhampton

G.L. WALLACE
Rector of Clermont

HOLYOAKE WOODD
Mount Morgan

ALFRED RICHARD
Vicar of St Paul's, Rockhampton

HENRY MILLS
Gladstone

R. ALEX. MORGAN
Rector of Mount Morgan

H.W. BANBURY
Barcaldine & Longreach

RICHARD TITLEY GARDENER
Mission Chaplain, Barcoo & Thompson

J.T. TILBURY
Aramac, Muttaborra & Winton

W.H. HARRIS
North Rockhampton

J.C. TYLER
Clermont

F.H.B. TURNER
Springsure

R. FOULKES
Blackall

SCHEDULE

- DETERMINATION No. 2 made by the said General Synod on the 28th day of October 1872 intituled “Resolutions for the constitution of an Appellate Tribunal.”
- DETERMINATION No. 1 made on the 13th day of October 1876 by the said General Synod and intituled “Rules for the formation of new Dioceses in Australia and Tasmania.”
- DETERMINATION No. 1 made on the 19th day of October 1881 by the said General Synod and intituled “General Rules for the Formation of Provinces and the regulation of matters connected therewith.”
- DETERMINATION No. 1 made on the 4th day of November 1886 by the said General Synod and intituled “Amended rules for the constitution of the Board of Missions of the Church of England in Australia and Tasmania.”
- DETERMINATION No. 2 made on the 4th day of November 1886 by the said General Synod and intituled “Additional Rules for the Election of Metropolitans.”
- DETERMINATION No. 1 made on the 2nd day of October 1891 by the said General Synod and intituled “Amended Rules for the Election of the Bishop of Sydney.”
- DETERMINATION No. 2 made on the 2nd day of October 1891 by the said General Synod intituled “Amended Rules for the Trial of Bishops for certain offences.”
- DETERMINATION No. 3 made on the 2nd day of October 1891 by the said General Synod intituled “Rules for the establishment of a College of Theology and for Granting of Certificates by the same.”
- DETERMINATION No. 5 made on the 3rd day of October 1891 by the said General Synod intituled “Amended Rules for the Constitution of a Board of Missions of the Church of England in Australia and Tasmania.”
- DETERMINATION No. 6 made on the 3rd day of October 1891 by the said General Synod intituled “Rules to provide for the case of a Bishop mentally incapable of administering his Diocese.”