

DIOCESE OF ROCKHAMPTON**DIOCESE OF ROCKHAMPTON CANON 1893*****Interpretation***

1. In the interpretation of this Canon unless the context otherwise indicates the following terms shall have the meaning set against them respectively that is to say:-

“Clerical Representatives of that portion of the Diocese proposed to be created into such new Diocese” and “Clerical Representatives” shall mean licensed Clergymen in that portion of the Diocese of Brisbane proposed to be formed or created into a new Diocese to be called the Diocese of Rockhampton, and

“Lay Representatives” shall mean laymen duly elected as representatives in Synod of Parishes and Parochial Districts in the said portion of the Diocese proposed to be formed into a new Diocese.

Concurrence in Proposal for Creation of New Diocese

2. The said proposal for the formation out of the Diocese of Brisbane of a new Diocese to be called the Diocese of Rockhampton comprising such part of the Diocese of Brisbane as is bounded on the North by the 22nd parallel of South latitude and on the South by the Southern boundaries of the Central District of Queensland as defined by “The Real Property (Local Registries) Act of 1887” (a copy of which said proposal is set forth in the First Schedule hereto) is hereby concurred in and assented to.

Members in New Diocese Freed From Former Obligations

3. From and after the date of the creation of the new Diocese as by this Canon defined the Church in the new Diocese and the members thereof shall be deemed to be freed and discharged from the observance and performance of all obligations and duties under the Constitution and Canons of the Diocese of Brisbane.

Provided nevertheless that the foregoing provision shall not affect the observance and performance of obligations liabilities and duties incurred previously to the date of the creation of the said new Diocese.

Property in New Diocese Transferred

4. All property of the Church situated within the areas comprised within the boundaries of the new Diocese whether standing in the name of the corporation or in the name of trustees shall if and so far as shall not be inconsistent with any trusts or reservations upon or under which the same now is held be transferred and assigned to such corporate body or persons and their successors in office as any duly constituted Assembly or Synod of such new Diocese shall by resolution direct to be held in trust for the purposes of such new Diocese but subject to the due observance of any specific trust applicable thereto. And until such property shall be so transferred and assigned the same shall from the date of the creation of the new Diocese as aforesaid be held by the body corporate or persons in whom the same may at that time be severally vested in trust for the purposes of the new Diocese but subject to the due observance of any special trust applicable thereto.

Date of Creation of New Diocese

5. The said new Diocese shall be deemed to have been created and come into being upon the due appointment and installation of the first Bishop thereof. (11 a.m. on 30 November 1892)

Nomination of First Bishop

6. The nomination of the first Bishop to the See of the proposed new Diocese shall proceed from one or more of the Clerical Representatives and shall be submitted for approval to a committee consisting of the Bishop or his Commissary the Treasurer the Chairman of Committees the Chancellor of the Diocese the said Clerical Representatives and the Lay Representatives.

Meeting of Committee

7. At such time and place as may be appointed by the Bishop or his Commissary the said committee shall meet to elect a Bishop to the proposed new Diocese and at such meeting the Bishop or his Commissary shall take the chair as President.

Provided that the presence of the President and three of the said Clerical Representatives and three of the said Lay Representatives and the presence of the said Treasurer Chairman of Committees and Chancellor or one of them shall be necessary to constitute the meeting.

Clergy to Submit Names for Nomination

8. At the opening of the meeting the said Clerical Representatives shall then and there submit to the President in writing the names of the person or persons they desire to nominate.

President to Announce Names of Persons Nominated

9. Upon receipt of the nomination papers the President shall announce to the meeting the names of the persons nominated and shall then call upon the members of the Committee present to decide whether they will proceed to the election of a Bishop and the question shall be decided without debate. Should a majority of each Order decide upon election the members of the Committee shall then proceed to the election of a Bishop as hereinafter directed.

Should Decision Be Against Election

10. Should a majority of either the Clergy or Lay members of the Committee present decide against election or should the Clergy have failed to nominate the President shall thereupon put the following question:-

“Shall the Committee delegate the nomination and appointment of a Bishop?”

and if the Committee voting by Orders shall decide in favour of delegation the President shall then put the following question:-

“Shall the nomination and appointment of a Bishop be delegated to the Archbishop of Canterbury or to the Archbishop of York or to the Bishop of London?”

If Decision in Favour of Delegation

11. Should the Committee voting by Orders as aforesaid elect to delegate the nomination and appointment of a Bishop to either of the said Archbishops or to the said Bishop of London the President shall forthwith take the necessary steps to obtain the approval of the Bishops of the

Province when formed and until such Province shall have been formed of the Bishops of Australia and Tasmania to such delegation as required by the First Determination (1872) of the General Synod and having obtained such approval shall cause a notification of the delegation to be forwarded to such Archbishop or Bishop and a copy of this notification shall be sent to the Metropolitan or Primate and a copy shall be preserved in the Registry of the Diocese.

In Event of Negative Decisions

12. In the event of the Committee deciding by a majority of both Clerical and Lay members thereof present and voting by Orders not to proceed to the election of a Bishop and not to delegate the nomination and appointment of such Bishop to either of the said Archbishops or to the Bishop of London the right of appointment of Bishop shall lapse to and vest in the Bishops of Australia and Tasmania.

Subsequent Procedure

13. Should the Committee voting as aforesaid decide to proceed to the election of a Bishop the members present shall then severally sign the declaration contained in the second Schedule hereto appended after which the names of the persons who have been duly nominated shall be placed in alphabetical order in papers prepared for the purpose and the clergy shall then proceed to vote by ballot each for one or more of such persons not exceeding three.

Provided that no clergyman shall be entitled to vote for himself.

Scrutineers and Select List

14. The Ballot papers shall then be examined by two Scrutineers appointed by the President and the names of such persons as shall have obtained one-third of the votes of the Clergy present and voting shall be placed on a select list.

Provided that if the actual number of Clergy present and voting is not exactly divisible by three the number of such Clergy shall be deemed to be the next highest number so divisible.

Voting

15. The members of the Committee present shall then proceed to vote by ballot on the names so selected each representative voting for one person only and such voting shall be repeated until one person shall have obtained:
 - (1) An absolute majority of the votes of the Clergy present and voting.
 - (2) An absolute majority of the votes of the Lay members of the Committee present and voting.

and the person who shall obtain the said absolute majorities shall be thereupon declared elected subject to the assent of the President thereto.

Procedure Upon Election

16. When an election is made a declaration of the fact shall be signed in the presence and on behalf of the said committee by the President who shall cause a copy thereof to be preserved in the Registry of the Diocese and shall take the necessary steps for obtaining the confirmation of such election in accordance with the First Determination (1872) of the General Synod.

Fresh Election If Election Not Confirmed

17. Should the election not be confirmed the Bishop or his Commissary shall forthwith again take the necessary steps as hereinbefore prescribed for a fresh election.

Installation

18. After the appointment and consecration of the Bishop (if not already consecrated) he shall be installed in the Cathedral Church or the principal Parish Church of the proposed Diocese of Rockhampton after the manner of the enthronement of a Bishop.

THE FIRST SCHEDULE

3 June 1891.

To the Right Reverend,
The Lord Bishop of Brisbane.

My Lord,

I, as a member of the Branch of the Church of England in the Diocese of Brisbane, resident in that Diocese, having regard to the Petition of the Clergy and Lay Members of that portion of the Diocese of Brisbane as is for the purpose of The Real Property Acts known as the Central District, which has been addressed to the Bishop-in-Council of the Diocese of Brisbane, request and propose that the Diocese of Brisbane be divided, so as to form thereout another Diocese to be called the Diocese of Rockhampton, which shall comprise such part of the Diocese of Brisbane 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 Registers) Act of 1887, and which boundaries are described in the first schedule to that Act.

And I further request and propose that all the real and leasehold property (if any) of the said Church situated within the area which shall be formed into the Diocese of Rockhampton, whether standing in the name of the Corporation of the Synod of the Diocese of Brisbane, or in the name of Trustees or a Trustee shall, if and so far as shall not be inconsistent with any trust or reservation upon or under which the same property is held, be transferred and assigned to any corporate body or person, and their successors in office, or assigns, as any Assembly or Synod of such new Diocese shall direct in trust and for the purposes of such new Diocese, but subject to the due observance of specific trusts applicable thereto.

And that until such lands shall be so transferred and assigned the same shall be held by the body corporate, or persons or person in which or in whom the same are now vested in trust for and for the purposes of such proposed Diocese, but subject to the due observance of any specific trusts applicable thereto.

I am, my Lord,

Your obedient servant,
A. NORTON.

THE SECOND SCHEDULE

I, A.B., bearing in mind how important it is that the sacred office of a Bishop should not unworthily be conferred do solemnly declare that I record my votes at this election for such persons only as I in my conscience believe to be of such learning and soundness in the faith and of such virtuous and pure manners and conversation as to be fitted and qualified for the holy office of Bishop and I further solemnly declare that I am not acting herein through favour or affection but in singleness of heart for the glory of God and good of His Church and the welfare of His people.