



CONSTITUTION STATUTE 1961

A Statute concerning the Constitution of the Anglican Diocese of North West Australia 1961, as amended by the Constitution Statute Amendment Statute 1992, as amended by the Constitution Statute Amendment Statute 1996, as amended by the Constitution Statute Amendment Statute 2006, as amended by the Constitution Statute Amendment Statute 2016.

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LONG TITLE

A Statute concerning the Constitution of the Anglican Diocese of North West Australia.

PREAMBLE

Members of the Anglican Church of Australia (the “Church”) in that portion of the State of Western Australia as defined by the *Diocese of North West Australia Boundaries Statute 1961* are associated together as a unit of the Church known as the Anglican Diocese of North West Australia (the “Diocese”).

The Diocese exists to glorify God the Father, God the Son and God the Holy Spirit, to promote sound doctrine and true faith through the spread of the Gospel and biblical teaching, and to ensure the growth of and maturing of Christ’s one true Church (Matthew 16; Ephesians 4; Hebrews 12). To facilitate these objectives, the Diocese carries out the functions of ordering the spiritual affairs of the Church and managing the property of the Church.

The first Synod of the Diocese (the “Synod”) was constituted by section 3(2) of the *Anglican Church of Australia (Diocese of North West Australia) Act 1961 (WA)*. Prior to then, the Diocese was constituted by the *Northern Diocese Statute 1907*, passed by the Synod of the Diocese of Perth.

Various pieces of land within the Diocese are vested in the Trustees of the Diocese of North West Australia (the “Trustees”), who are appointed in accordance with the *Diocesan Trustees Statute 1961*, and who together are constituted as a body corporate established under section 5 of the *Anglican Church of Australia Diocesan Trustees and Lands Act 1918 (WA)*. The Trustees are authorised representatives of the Church in dealing with all matters relating to the land and real property held by the Church.

The members of the Diocese consider it necessary and desirable to amend and modernise the statutes governing the Constitution of the Diocese and the Synod, so as to

- a) state the mission and purpose of the Diocese;
- b) enable the Bishop of the Diocese, The Diocesan Council and the Synod to efficiently make decisions about the affairs of the Diocese, and to implement those decisions;
- c) attend to certain other matters relating to the good governance of the Diocese.

Consequently, the members of the Diocese consider it desirable to pass a new Constitution Statute and Synod Statute.

The Synod of the Diocese of North West Australia resolves as follows.

Chapter 1 – Preliminary

NAME

This is the *Constitution Statute 1961*.

Chapter 2 – Scope of the Statute

1. The Diocese exists to glorify God the Father, God the Son and God the Holy Spirit, to promote sound doctrine and true faith through the spread of the Gospel and biblical teaching, and to encourage the growth of and maturing of Christ's one true Church.
2. Those in fellowship with and belonging to the Diocese:
 - a) Acknowledge that Jesus is the Son of God and no-one comes to the Father except through Him;
 - b) Submit to the Bible as the authoritative Word of God and as the sole authority in matters of faith and conduct;
 - c) Adhere to the Nicene and Apostles' Creeds;
 - d) Assent to the doctrine of the Anglican Church of Australia as expressed in the Thirty-Nine Articles, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons;
 - e) Endorse the Declaration of Faith known as "The Jerusalem Declaration (2008)".
3.
 - a) The Diocese of North West Australia shall be divided into ecclesiastical districts, the boundaries of which shall be defined by resolution of the Synod.
 - b) An ecclesiastical district may be a parish, a provisional parish, a mission region, or any other unit established by the Synod, Diocesan Council or the Bishop.
 - c) Where an ecclesiastical district is established or altered by Diocesan Council or the Bishop, this must be confirmed by resolution passed by the Synod at the next meeting Synod, but until that time the ecclesiastical district shall exist as if established by the Synod.
 - d) The ecclesiastical districts within the Diocesan established under the *Constitution Statute 1961* shall continue to apply under this Statute until amended or altered by resolution of Synod or the Diocesan Council.
 - e) Subject to subsection b) and c), an ecclesiastical district which is a parish shall be governed by the *Parochial Statute 1961*, as amended from time to time.
 - f) The *Administration Cost Recovery Statute 1966*, as amended from time to time, only applies to an ecclesiastical district which is a parish.
4. The Bishop as the chief minister of the Diocese in accordance with the Consecration of Bishops and in that capacity, is
 - a) The President of the Synod (except where there is an Election Synod, in which case the President of Synod shall be as provided by the *Diocese of North West Australia Election of Bishop Statute 2008*, as amended from time to time);

- b) The Chair of the Diocesan Council; and
 - c) The Chair of the Corporate Trustees.
5. The Diocese shall be governed by:
- a) A Synod, constituted in accordance with the *Synod Statute 2016*, as amended from time to time, and with the function of enacting statutes which provide for the mission of the Diocese;
 - b) A Diocesan Council; constituted in accordance with the *Diocesan Council Statute 1961*, as amended from time to time, and with the functions of:
 - (i) Acting for and on behalf of Synod when Synod is not in session, subject to Synod confirming by resolution any statute passed the Diocesan Council at the next meeting of Synod, but until that time any statute by the Diocesan Council on behalf of Synod shall be valid as if it were a statute of Synod;
 - (ii) Passing regulations which govern the daily operations of the Diocese, and which carry the same force as the Statutes of Synod (but always subject to the right of Synod to amend or repeal such Regulations); and
 - (iii) The Trustees with the function of satisfying their statutory obligations in relation to the property vested in them.
- 6.
- a) Synod shall not make any alteration to this Statute unless written notice of not less than one calendar month of any proposed alteration shall have been given to each Synod representative.
 - b) pass a motion unless affirmed by three-fourths of both the clergy and lay members present in voting houses.
7. In all Statutes, Statutory Regulations and regulations passed by or binding on Synod so far as the context may require, words importing the masculine gender shall be deemed to include the feminine gender.

Chapter 3 – Regulations & Related Legislation

REGULATIONS

Regulation making power

The Diocesan Council may from time to time make, amend or repeal regulations (e.g. policies and procedures) not inconsistent with the provisions of this Statute providing for records arising out of or incidental to the operation of this Statute and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the overriding purposes of this Statute.

RELATED LEGISLATION

Anglican Church of Australia (Diocese of North West Australia) Act 1961(WA)

Diocese of North West Australia Boundaries Statute 1961

Diocesan Trustees Statute 1961

Anglican church of Australia Diocesan Trustees and Lands 1918 (WA)

Parochial Statute 1961

Administration Cost Recovery Statute 1966

Diocese of North West Australia Election of a Bishop Statute 2008

Diocesan Council Statute 1961

Chapter 4 – General

REPEAL

The Constitution Statute 2006 is repealed

To the extent that the validity of any Statute, By-Law or Regulation is inconsistent with the *Constitution Statute 2016*, that Statute By-Law, Regulation, is repealed to the extent of the inconsistency.

To the extent that the validity of any Statute, By-Law or Regulation, Resolution or proceeding depends on the *Constitution Statute 1961* that Statute By-Law, Regulation, continues to have effect for the purposes of this Statute and the *Synod Statute 2016*, save to the extent of any inconsistency with this Statute of the *Synod Statute 2016*.

A reference to the *Constitution Statute*, in any Statute, By-Law, Regulation, Resolution or proceeding shall, subject to the context, be constructed as a reference to the *Constitution Statute 1961*, as amended from time to time.

RESPONSIBILITIES

Review

The Diocesan Council will review the operation of this Statute on or before six years after its commencement.

Records management

The Registry maintains all records relevant to administering this Statute using its recordkeeping system.

CERTIFICATIONS AND ASSENT

I Certify that this Statute as printed is in accordance with the Statute as reported.

P GRICE
Chair of Committees

I Certify that this Statute as amended was passed by the Synod of the Diocese of North West Australia on 01/10/2016

K HARRIS
Registrar

I Assent to this Statute.

G NELSON
Bishop
01/10/2016