



# Constitution of the Diocese of Ontario

## Version 1.0 (2018)

As Approved at Synod 2018

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# The CONSTITUTION

## 1. Composition of Synod

Whereas pursuant to “An Act Respecting the Incorporation of the Synod of the Diocese of Ontario, Statute of Canada 1862, Chapter 86, (the “Synod”), it is enacted as follows:

The said Synod shall consist of:

- (a) the Bishop of the said Diocese also referred to as Diocesan Bishop or Bishop, who shall be the President of the said Synod;
- (b) any Suffragan or Coadjutor Bishop of the Diocese;
- (c) any Bishop presiding on appointment by the Diocesan Bishop under the provisions of the Canons of the Diocese;
- (d) such Clergy of the Diocese licensed by the Bishop who are:
  - (i) in full-time or part-time diocesan or parish ministry, including transitional deacons and vocational deacons licensed to a specific ministry by the Bishop, but excluding honorary associates unless they are acting as priests-in-charge;
  - (ii) on leave and serving, with the consent of the Bishop, in full-time ministry with the General Synod of the Anglican Church of Canada or Provincial Synod, and not exercising a right to vote in another diocesan synod;
  - (iii) serving, with the Bishop’s consent, as chaplains, so designated officially, by the Canadian Forces and endorsed by the Bishop Ordinary, hospitals, correctional, educational facilities or other public institutions and not exercising a right to vote in another diocesan synod.
- (e) The Chancellor, Vice-Chancellor, Diocesan Executive Officer, Diocesan Financial Officer and Archdeacon of Ministry and Program;
- (f) Lay Representatives of Parishes and Missions as possess the qualifications prescribed by the Canons;
- (g) Any Synod Council member who is not otherwise a member of the Synod;
- (h) Four other persons appointed by the Bishop as provided in s. 2 (4); and,
- (i) One youth or young adult Lay Member appointed by the Bishop from each of the four Deaneries in the Diocese in accordance with the provisions of s. 2 (8).

Should a vacancy occur in the office of Diocesan Bishop, the Coadjutor Bishop or Suffragan Bishop in that order shall act as President of Synod. If there is no Coadjutor Bishop or Suffragan Bishop, the following shall act as President of Synod in the following order of priority: The Commissary, the Dean of Ontario or an Archdeacon senior by appointment.

The Synod may from time to time prescribe the qualifications of the Clergy and Lay Representatives of Parishes and Missions necessary for the right to sit and vote in Synod and may exclude from the Synod those who do not possess or are declared by the Synod not to possess the prescribed qualifications.

The Synod shall meet in Regular Session every second year or more often at the discretion of the Bishop, who shall summon it, appoint the time and place of meeting and adjourn or conclude the meeting.

It is hereby declared that as herein defined, such of the Clergy on the Clergy lists of the said Diocese, and all Lay Persons elected or appointed, as herein provided, possess the qualifications necessary for the right to sit and vote in said Synod, subject nevertheless to the disqualifications, if any, under the provisions of sections of this Constitution and Canons enacted thereunder.

## 2. Lay Members of the Synod

### 1) Qualifications

A person to qualify as a Lay Member of the Synod shall:

- (a) be not less than sixteen (16) years of age;
- (b) be a Lay Member of the Vestry of that person's Church or a Lay Member of a Designated Ministry established under Canon 13;
- (c) be a member of the Anglican Church of Canada as defined in Canon 1 and shall have regularly attended worship and received the sacrament of Holy Communion.

### 2) Duties

It shall be the duty of a Lay Member of the Synod:

- (a) To attend the Sessions of the Synod;
- (b) To serve on committees to which such member may be elected or to which such member has accepted appointment;
- (c) To communicate the decisions of Synod to their respective congregations;
- (d) To assist, when requested by the Incumbent, in the discharge of the duties of the Incumbent as set forth in Canon 8, Sections 7 and 10.

### 3) Election

Lay Members shall be elected at the annual meeting of the Vestry or Designated Ministry, or at a special meeting thereof, respectively, called for the purpose as hereinafter provided.

### 4) Appointment

In addition to the Lay Members elected in accordance with s. 2 (3) and elected or appointed in accordance with s. 2 (8) of the Constitution, the Bishop may, after consultation with the Diocesan Synod Council, appoint not more than four (4) Lay Members of the Synod qualified as required by sections 2.(1) and 3. (1).

### 5) Term of Office

Except in cases of death, resignation, or removal from the Diocese, the term of office of an elected Lay Member shall commence on that member's election at an annual or special meeting

of the Vestry or Designated Ministry and shall continue until that member's successor is elected. While a member is eligible for re-election, it is desirable for this ministry to be shared by as many in the parish as possible. Membership in any committee of the Synod shall continue until the next Regular Session of Synod or until the term of office has been completed, whichever period is longer.

6) Basis of Membership

A person becomes a member of a vestry by regularly attending worship in a local Anglican church and receiving the sacrament of Holy Communion at least three (3) times each year and contributes to the life and work of such Anglican church.

7) Number of Lay Members of Synod

The number of Lay Members of the Synod of the Diocese that each Vestry or Designated Ministry is entitled to elect shall be two (2).

8) Youth and Young Adult Lay Members

- (a) In addition to the number of Lay Members elected and appointed in accordance with sections 2. (3), (4) and (7) the Bishop may appoint as Lay Members of Synod for each of the four Regional Deaneries, one (1) person who shall be between the ages of sixteen (16) and twenty-six (26) years at the time of such Bishop's proposed appointment and who has been elected from each of such respective Regional Deaneries. For the purpose of this section, subject to the within provision, the qualifications in S. 2 (1) shall apply.
- (b) The names of the four (4) appointees as provided in 8 (a) shall be placed on a ballot and one of the named persons on the ballot shall be elected by Synod as a youth delegate to General Synod from the Diocese in accordance with the Canons of General Synod.

9) Substitute Lay Members

- (a) Substitute Lay Members may be elected by a Vestry or Designated Ministry, and such substitutes shall, in the order of their election, take the place of regular members who, from any cause, are unable to attend the Session or Sessions of the Synod during the period for which they are elected.
- (b) A substitute Lay Member shall serve only during the Session of the Synod for which such Lay Member is reported to the Synod to act as a substitute and shall not be eligible for election to any Standing Committee of the Synod.
- (c) It shall be the duty of the Incumbent to notify the Secretary of Synod of the substitution by such Lay Member not later than the day preceding the first day of the Session of Synod for which such Lay Member is appointed, giving name and address of the substitute and also the name and address of the member in whose place the substitute is acting. The Incumbent shall certify also that such substitute was elected at a meeting of the Vestry or Designated Ministry in the regular way, and fulfills the requirements of a lay member.

- (d) Where a sitting Synod is adjourned to another sitting date more than one (1) week later, the rules respecting substitute Lay Members shall apply mutatis mutandis to that adjourned sitting to provide for substitution of Lay Members for that adjourned sitting.

10) Lay Membership Return

- (a) Within ten (10) days after the election of the Lay Members, the Incumbent or, in the absence of an Incumbent, the Chairperson of the Vestry meeting shall send to the Secretary of Synod a certificate of such election in the following form:

"This is to certify that at a meeting of the Vestry or Designated Ministry of \_\_\_\_\_ Church, in the Parish of \_\_\_\_\_ held on the \_\_\_ day of \_\_\_ 20\_\_\_ the following persons who are members of the Vestry by regularly attending worship in this Anglican church and receiving the sacrament of Holy Communion at least three (3) times in the year preceding such election and contribute to the life and work of this church. were elected as Lay Members of the next Session of Synod by those entitled to vote at such election."

- (b) The Secretary of Synod shall forward the names of the Lay Members contained in these certificates to the Honorary Secretaries to be included in the Convening Circular of the Session of Synod, a copy of which shall be made available to be accessed by each member of the Synod.
- (c) A list of the Lay Members shall also be prepared for the Committee on Credentials and for the Court on Contested Seats.

11) Question on Qualification

Should there be any question as to the qualification of a member, the matter shall be raised before the Court on Contested Seats whose determination shall be final.

12) Inability to Communicate

In the event of no opportunity being afforded to a Lay Member to Communicate in the number of times required, the Chairperson shall certify accordingly and shall vary the certificate to be provided, adding the following words:

"This is to further certify that owing to a lack of opportunity for receiving the Holy Communion during the year preceding the said election, the said

\_\_\_\_\_ (name) communicated only \_\_\_\_\_ times."

13) Certificate Necessary

The Chairperson of the meeting shall provide each Lay Member with a certificate similar to that to be forwarded to the Secretary of Synod. Any person requesting registration as a Lay Member at a Session of the Synod without such certificate may be required, before such registration is

permitted, to afford sufficient proof of identity and may be refused a seat at Synod in the discretion of the Court on Contested Seats.

#### 14) Resignation

Any elected Lay Member of Synod may resign, personally or by their attorney, by giving notice to that effect to the Secretary of Synod who shall forthwith communicate such resignation to the Incumbent of the Parish in order that a new election may be held as herein prescribed. Any Lay Member declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.

#### 15) Members Elected by more than one Vestry or Designated Ministry

- (a) If a member is elected by more than one (1) Vestry or Designated Ministry, such member shall be notified thereof forthwith by the Secretary of Synod. Such member shall within thirty (30) days of the sending of such notice by mail or courier advise the Secretary of Synod in writing which congregation or Designated Ministry that member wishes to represent, and the Secretary of Synod shall, in turn, inform the Incumbent of the Parish where the vacancy occurs, of such vacancy, in order that a new election may be held.
- (b) In case such Lay Member fails to make a selection and to signify it as required, all the elections of such member shall be void, and the Secretary of Synod shall forthwith notify the Incumbent of each of the Parishes or Designated Ministry concerned to proceed to hold a new election.

#### 16) New Election

In case a Lay Member dies, resigns or removes from the Diocese, or is in any way disqualified, the seat of such member shall be vacated thereby and the first named Substitute Lay Member, if one has been elected, shall automatically become a fully qualified Lay Member. If no Substitute Lay Member has been elected, a special meeting of the Vestry of the Congregation or Designated Ministry, which such Lay Member represented, may be called to elect a successor.

#### 17) Ex Officio

If qualified as required by s. 2 (1), except that the qualifications in s. 2 (1)(b) shall not apply, the following, if otherwise qualified, shall be Lay Members ex-officio:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Registrar;
- (d) the Secretary of Synod,
- (e) any Chancellor Emeritus;
- (f) the Diocesan Executive Officer;
- (g) the Diocesan Financial Officer;
- (h) the Archdeacon of Ministry and Program;
- (i) the Honorary Clerical Secretary; and,

(j) the Honorary Lay Secretary.

#### 18) Lay Canons of the Diocese

A lay Canon of the Diocese is a member of the laity who has been named a Lay Canon of the Cathedral Church of the Bishop. All Lay Canons of the Diocese are entitled to sit and speak in the Synod but shall have no vote.

### 3. List of Members

- 1) At least (1) one month before a Session of Synod, the Bishop shall provide to the Honorary Secretaries of the Session of Synod for publication in the Convening Circular, a complete list of the Clergy on the Clergy List of the Diocese, indicating into which of the categories set forth in s. 1 of the Constitution each such Cleric should be placed, and the Secretary of Synod shall provide to the Honorary Secretaries of the Session of Synod, for the same purpose, the list of the Lay Members as given in the Certificates of Election received, together with a list of those Parishes and Congregations:-
  - (a) for which no Certificates of Election of Lay Members have been received, and,
  - (b) in which there has been a default in the matter of return required to be made to Synod.
- 2) The last-mentioned list shall be subject to revision from time to time by the Secretary of Synod.
- 3) Honorary Secretaries shall print in the Convening Circular the names of the said Clergy and also the names of the Lay Members, which appear in the Certificates of Election.
- 4) The Honorary Secretaries shall indicate the Parishes and Congregations in default and the names of the Clergy and Lay Members whose seats in the Session of Synod and the right of election to Committees of the Session of Synod are affected by such default, in such manner as they see fit in order to draw attention to the default and the disability attaching thereto.

### 4. Disqualification

- 1) No Cleric shall be entitled to take a seat in a Session of Synod if such Cleric has failed to comply with the provisions of Canon 8, sections 7 and 10, if applicable.
- 2) No Lay Member shall be entitled to take a seat in a Session of Synod if the Churchwardens of the congregation represented by such member have failed to comply with the provisions of Canon 14, Section 4, subsection (7).

### 5. The Committee on Credentials

The Chancellor and the Secretary of Synod shall examine certificates and statistical and other returns, and shall prepare and submit to the Synod, on the first day of its Session, the list of Clergy and Lay Members entitled by the provisions of The Constitution and Canons to sit and vote in Synod. They shall report to the Court on Contested Seats upon any irregularities in connection with these or other matters that may affect the right of any Clerical or Lay Member to a seat in the Session of Synod.

## 6. The Court on Contested Seats

- 1) There shall be a Court to be known as the Court on Contested Seats composed of the Vice-Chancellor of the Diocese or, in the absence of the Vice-Chancellor, a lawyer appointed by the Bishop, together with the Honorary Clerical Secretary and the Honorary Lay Secretary. This Court shall consider all protests regarding the right of persons to sit and speak or to sit and vote in the Session of Synod and shall adjudicate thereon. The judgment of the Court shall be announced to the Session of Synod on the first day thereof and shall be final.
- 2) The Vice-Chancellor, or, in his or her absence, the lawyer, appointed by the Bishop, shall be Chairperson of the Court, and the Secretary of Synod, or such other Synod official appointed by the Bishop, shall be the Clerk of the Court.
- 3) The Court shall meet at the call of the Chairperson, after the receipt of the report of the Committee on Credentials.
- 4) Members of the Court shall hold office until their successors are appointed.

## 7. Right of Protest

- 1) Any member of the Church may object to the right of any person whose name appears in the list of Lay Members of a Session of Synod, elected by a Vestry or Designated Ministry, to take a seat in a session of Synod, provided that such objector is a member of the Vestry or Designated Ministry which such person claims to represent, and makes an objection, together with the grounds thereon, in writing, to the Secretary of Synod within twenty days after the election of such Lay Member.
- 2) On receipt of the objection, the Secretary of Synod shall forthwith send notice thereof by registered letter to the person whose right to a seat in the Session of Synod is contested. The Secretary of Synod shall also enter the name of such person and particulars of the objection in a list of protests, for the use of the Court on Contested Seats.
- 3) If such objection is withdrawn prior to its consideration by the Court on Contested Seats, the Secretary of Synod shall thereupon send notice by registered letter to the person whose right to a seat in a Session of Synod is contested, such notice to be sent to the address given in the return.
- 4) An Objection may be taken at any time during a Session of Synod to any person sitting and speaking or sitting and voting in the same who is not entitled thereto, and such objection shall be immediately referred to the Court on Contested Seats for a decision.

## 8. Vacancy in the Office of Bishop

- 1) If a vacancy occurs in the office of the Diocesan Bishop, the Coadjutor Bishop shall succeed directly to the office of Diocesan Bishop. If there is no Coadjutor Bishop, the Metropolitan of the Ecclesiastical Province of Ontario or the Suffragan Bishop(s) in order of seniority, or the Dean, or the Senior Archdeacon present and able to act, shall, in that order of priority, summon a

meeting of the Clergy and Lay Members of Synod to elect a successor to the office of Diocesan Bishop.

- 2) such meeting shall be held on a day to be fixed by the Diocesan Synod Council, not earlier than sixty (60) days nor later than one hundred and twenty (120) days after the occurrence of such vacancy so declared.
- 3) The summons shall be issued by the Diocesan Executive Officer as soon as conveniently possible after the announcement of the vacancy and compliance with section 8 (1), but not later than thirty (30) days prior to the date fixed for such meeting.
- 4) Upon retirement, the Bishop, the Coadjutor Bishop or a Suffragan Bishop, shall tender a resignation to the Metropolitan, pursuant to Canon 3 (4) of the Provincial Synod of Ontario, and shall inform the Diocesan Synod Council of such action.
- 5) A Bishop having attained the full age of sixty-five (65) years may, if such Bishop so desires, resign and receive a pension in accordance with Section 13 of the Constitution.

## 9. Election of a Bishop

### 1) Nominations

- (a) A Nominations Committee, consisting of three (3) Clerical Members of a Session of Synod and three (3) Lay Members of a Session of Synod, shall be elected by the Diocesan Synod Council.
- (b) One (1) written nomination for the office of Bishop may be made by any Member of a Session of Synod, who may submit the same to the Nominations Committee at least thirty (30) days before the date of Synod. Any individual receiving ten (10) or more nominations will be placed on the ballot.
- (c) All nominations shall be circulated to all Members of Synod eligible to vote thereat at least fourteen (14) days before the date of the said Synod, together with biographical material on each nominee, including age, academic background, date of ordination, all ecclesiastical appointments, and other relevant qualifications and experience.

### 2) Election

A Bishop shall be elected from those nominated, by voting by Orders by ballot in the following manner:

- (i) A majority of the total votes validly cast in each Order shall determine the choice, provided at least one-half of the Clergy and at least one-half of the Lay Members of Synod, entitled to vote, are present and vote.
- (ii) If fewer than one-half of the Clergy or fewer than one-half of the Lay Members of the Synod, entitled to vote, are present and vote, a cleric must secure two-thirds of the votes validly cast of each such group that is deficient, in order to be elected.
- (iii) If, after twelve (12) successive ballots have been conducted at any one election, and no cleric has been elected as provided in subsection (i) and (ii) herein, a further ballot shall be

taken and the percentage of the Clergy voting thereat for each Cleric shall be added to the percentage of the Lay Members voting thereat for the same cleric, and the cleric who obtains the highest total of percentages shall be declared elected.

- (iv) The Metropolitan or, in the absence of the Metropolitan, the next Bishop of the Ecclesiastical Province in order of seniority, shall preside.

## 10. Coadjutor or Suffragan Bishop

- (a) Whenever the Bishop of the Diocese, shall, in writing, signify to the Diocesan Synod Council that the Bishop is desirous of having the assistance of a Coadjutor Bishop, the Diocesan Synod Council shall give notice of such request at the next Session of Synod. If the Synod concurs with the Bishop's request, the election of such Coadjutor Bishop shall proceed at such time and place as shall be determined by the Bishop after consultation with the Diocesan Synod Council.
- (b) Whenever the Bishop of the Diocese, shall, in writing, signify to the Diocesan Synod Council that the Bishop is desirous of having the assistance of a Suffragan Bishop or Bishops, the Diocesan Synod Council shall consider the request and, if approved, the election shall proceed at such time and place as shall be determined by the Bishop after consultation with the Diocesan Synod Council.
- (c) An election of a Coadjutor and/or Suffragan Bishop or Bishops shall be conducted in the same manner as in the case of election of a Bishop of the Diocese.
- (d) A Coadjutor Bishop shall, without further election, become and be the Bishop of the Diocese whenever any vacancy occurs in the office of Bishop.
- (e) A Suffragan Bishop, on a vacancy occurring in the office of Bishop, shall not become Bishop of the Diocese unless duly elected thereto.
- (f) When a Coadjutor Bishop or a Suffragan Bishop is elected and consecrated, such Bishop shall exercise all powers, privileges, and authority in subordination to the Bishop of the Diocese.

## 11. Administrator of the Diocese

Subject to the preceding paragraph 10:

- (a) In the event of a vacancy in the office of Bishop caused by the death or resignation of the Bishop, or in the event of the Bishop's mental incapacity, whether temporary or permanent, certified by two qualified medical practitioners, the Diocesan Synod Council shall, by resolution passed at a meeting called forthwith for such purpose, appoint an Administrator of the Diocese. Such Administrator shall hold office until the Bishop has recovered from such incapacity, as certified by two qualified medical practitioners, or until a successor to the Bishop has been appointed or duly elected and installed. The Administrator shall have all the powers regarding the administration of the Diocese, including the execution of deeds and documents, as are generally possessed by a Bishop's Commissary. Certified copies of the medical certificates shall be forwarded to the Metropolitan of the Province, or in the case of a vacancy in the office of the Metropolitan, to the Senior Bishop of the Province.
- (b) The production of a copy of the resolution of the Diocesan Synod Council appointing the Administrator, certified by the Chancellor of the Diocese and by the Secretary of Synod, shall be

sufficient evidence of power to execute deeds and documents of the Synod and to perform such other duties as may be required.

## 12. Episcopal Stipends

- (a) The stipends of the Bishops shall be determined by the Diocesan Synod Council from time to time.
- (b) The income for these stipends shall be paid in accordance with the Diocesan Budget.
- (c) The Bishop of the Diocese shall have a housing allowance to be paid in accordance with the Diocesan Budget.
- (d) All necessary travelling expenses incurred by the Bishops in the performance of their official duties, within the Diocese, shall be paid out of the Diocesan Budget. Policies with respect to other necessary expenses by any of the Bishops shall be fixed from time to time by the Diocesan Synod Council.

## 13. Bishop's Pension

The provisions of Canon VIII, "General Synod Pension and Benefits Plan" of the General Synod of the Anglican Church of Canada shall apply together with any amendments to such Canon enacted by General Synod from time to time.

## 14. Common Seal

The Synod shall have a Common Seal, which shall be in the care and custody of the Diocesan Executive Officer.

## 15. Execution of Documents

- (a) All documents requiring execution under the Common Seal of the Synod, except such documents where the manner of execution is prescribed by Act of the Legislature of the Province of Ontario, shall be executed by the Bishop of the Diocese, as President of Synod, causing the Common Seal to be affixed and attesting thereto by the Bishop's signature and by the signature of the Secretary of Synod attesting thereto.
- (b) In the absence of the Bishop of the Diocese (no Administrator having been appointed under s. 11 of The Constitution), the Coadjutor Bishop, if any, or the Suffragan Bishops, if any, in order of seniority, or in the absence of all of the Bishops hereinbefore mentioned, the Bishop's Commissary appointed by the Bishop of the Diocese under Seal shall have the power to sign for the President and affix the Common Seal.
- (c) In the absence of the Secretary of Synod, the documents referred to in section 15(a) above shall be signed by the Diocesan Executive Officer or by the Diocesan Financial Officer.
- (d) Documents sealed and attested in accordance with the provisions of the foregoing subsections shall be deemed for all purposes to have been executed by The Incorporated Synod of the Diocese of Ontario, and the signature of any of the persons referred to in sections 15(a) to 15(c) inclusive on any document, shall be conclusive evidence of the authority of such person to affix the Common Seal to and attest such document.

- (e) All deeds, leases, mortgages, other assurances of land and contracts requiring the Seal shall be approved in writing by the Diocesan solicitors, or the Chancellor or such other Barrister or Solicitor, licensed to practice law in the Province of Ontario, as designated by the Bishop for such purpose, before they are executed by the Bishop and the Secretary of Synod, and no covenant for payment by the Synod shall be inserted in any mortgage without the consent of the Diocesan Synod Council.

## **16. Consent of Bishop**

- (a) No act or resolution of the Synod shall be valid without the assent of the Bishop, or of the Coadjutor Bishop or of a Suffragan Bishop when presiding, and a majority of the votes of the members present. Such majority to be a majority of the Clerical and Lay Members of a Session of Synod voting collectively unless a vote by Orders is demanded (see section 36, 18). If a difference should be found to exist between the Orders after a vote by Orders is taken, the subject under consideration shall stand over to the next Regular Session of Synod. This section, so far as it requires the assent of the Bishop, shall not apply to the Election of a Bishop.
- (b) In case of dissent by the Bishop, or of the Coadjutor Bishop, or a Suffragan Bishop, when presiding, the matter shall stand over to the next Regular Session of Synod when, if the act or the resolution is concurred in by not less than two-thirds (2/3) of the total membership of the Synod, voting collectively, it shall become effective.

## **OFFICERS AND COMMITTEES OF A SESSION OF SYNOD**

### **17. Honorary Secretaries of a Session of Synod**

- (a) There shall be two (2) Honorary Secretaries of each Session of Synod, one of each Order, both Members of the Synod; the Honorary Clerical Secretary shall be elected by Clerical members of the Synod entitled to sit and vote therein, and the Honorary Lay Secretary by Lay Members of Synod. They shall hold office until the Regular Session of Synod following that at which they were elected, or until their successors are elected.
- (b) It shall be the duty of the Honorary Secretaries: to keep regular minutes of the proceedings of the Sessions of Synod; to preserve all papers, memorials and documents pertaining to the session; to conduct the correspondence and attest the public acts of the sessions; to furnish daily during the session, as may be necessary, a summary of the unfinished business, and to deliver all records and documents to the Registrar of the Diocese.
- (c) The Honorary Secretaries shall be responsible for the printing of all notices, reports, minutes of proceedings, and other matters relating to a Session of Synod. Arrangements for such printing shall be subject to the approval of the Diocesan Executive Officer.
- (d) The Honorary Secretaries so elected shall be the Honorary Secretaries of the Synod for the purposes set forth in Statutes of Canada, 52 Vict., Chap 97.
- (e) When deemed advisable, an assistant Honorary Secretary of each order may be elected in accordance with the procedure outlined in s17 (a), above. The Honorary Secretaries may delegate to the Assistant Honorary Secretaries any of the duties enumerated in this section.

## 18. Scrutineers

Prior to each Session of Synod, the Diocesan Synod Council shall elect from among the Members of Synod, a Clerical Member of the Session of Synod and a Lay Member of the Session of Synod to act as Scrutineers. It shall be the duty of the Scrutineers to appoint suitable persons to assist them with the tasks of monitoring the registration of the members and the balloting; and the counting of the ballots.

## 19. Nominating Committees

- (a) Not later than six months before the date of a regular Session of Synod, the Bishop, in consultation with Diocesan Synod Council, the Diocesan Executive Officer and the Archdeacon of Ministry and Programs, shall establish a nominating committee or committees for the purpose of seeking and obtaining the names of clergy and laity who have been elected, nominated or appointed to be members of the forthcoming Session of Synod and who are willing to be candidates for election by Synod to be a member of Diocesan Synod Council, or a delegate to Provincial Synod or a delegate to General Synod.
- (b) A report shall be made by the nominating committee(s) and provided to the Synod Planning Committee for presentation to Synod delegates together with the Agenda materials. The chair of the Synod Planning Committee shall present the report or reports of the respective nominating committee(s) to Synod for the purpose of a vote.

## 20. Synod Planning Committee

- (a) Not later than six months before the date of a Regular Session of Synod, the Bishop, in consultation with the Diocesan Synod Council and the Diocesan Executive Officer, shall appoint a Synod Planning Committee, consisting of the Honorary Secretaries and not less than four (4) other members. All Members must be members of a Vestry in the Diocese or a member of a church in full communion with the Anglican Church of Canada, and at least one member must be a Member of a Session of Synod. The Committee shall elect a Chair from among its members.
- (b) The Committee shall, in consultation with the Bishop, other officers of Synod, and the Chairs of Standing Committees of Synod, prepare an agenda for the next ensuing Session of Synod and submit the same to the Diocesan Synod Council for approval.
- (c) At the opening of Synod, the Chair of the Committee shall present the agenda for adoption, with or without amendment and may propose changes to the agenda or order of proceedings during the Synod as necessary or advisable.

## 21. Procedures for elections and motions at Synod

- 1) Ballot papers shall be given at the time of registration to those members of Synod entitled to vote.
- 2) Completed ballots may be placed in the ballot boxes during Synod at such time or times as may be determined by the Synod Planning Committee.
- 3) Ballot boxes shall be conveniently located, and announcements made as to their locations.

- 4) Ballot papers shall be prepared under the direction of the Honorary Secretaries and only such ballots shall be accepted and counted by the Scrutineers. On the ballots for elections, nominees shall be listed in alphabetical order followed by the name of the parish or special category as shown in The Constitution, sections 1. and 2.
- 5) The Scrutineers shall hand over the ballot papers to the Honorary Secretaries, whose duty shall be to preserve them until the close of the Session of Synod, and to see that they are then destroyed.
- 6) The above instructions shall not apply to Episcopal Elections.
- 7) Instructions to Voters shall be:
  - (a) Members of Synod shall be entitled to vote for the number of Clerical and Lay Members of the Diocesan Synod Council in the manner prescribed by the Canons;
  - (b) General and Provincial Synod: The Clerical Members of a Session of Synod are entitled to vote for the prescribed number of Clerical Members of Provincial Synod and General Synod, and the Lay Members of a Session of Synod for the prescribed number of Lay Members of Provincial Synod and General Synod;
  - (c) Voters shall place a cross (thus: X) opposite the name of each nominee for whom they desire to vote;
  - (d) Ballot papers with crosses (x) opposite the names of more nominees than the number required to be elected, shall be regarded as spoiled and shall not be counted.
- 8) Upon approval by Synod, elections at Synod may be conducted by electronic methods in accordance with procedures established by Diocesan Synod Council and ratified by Synod.

## 22. Registration

- (a) Each Member of Synod, before taking a seat in a Session, shall register and receive an identity card. Lay Members shall produce their Certificates of Election, which will be exchanged for identity cards by the Scrutineers. Clergy will receive identity cards on presentation of a written registration card.
- (b) Registration hours for the regular Session of Synod may be at a service of worship on the day prior to Synod and on the first full day of a Session of Synod at such time or times as may be determined by the Synod Planning Committee. No further registrations may be made after registration has closed without permission of the Court on Contested Seats.
- (c) At a special session of Synod, registration hours shall be set by the Diocesan Synod Council.

## 23. Time, Place of Regular and Special Sessions of Synod

- (a) A regular session of the Synod ('Regular Session') shall be held every two years at a time or times appointed by the Bishop after consultation with the Diocesan Council. The Bishop shall likewise appoint the place of meeting.
- (b) A special session may be called by the Bishop, or in the absence of the Bishop, by the Commissary, or by the Administrator of the Diocese, at such time and place as the Bishop, or

Commissary, or Administrator, after consultation with the Diocesan Synod Council, shall appoint, subject to the provision of Section 8 (1).

## 24. Quorum

A quorum of a Session of Synod shall consist of not less than one-fourth (1/4) of the registered Clerical Members of the Session of Synod present and entitled to sit and vote in the Synod and not less than one-fourth (1/4) of the registered Lay Members of the Session of Synod present and entitled to sit and vote in Synod.

## 25. Presiding Officer

The Bishop shall be Chairperson of a Session of the Synod. If the Bishop is absent and has not named a Deputy Chairperson, the Synod shall elect one.

## 26. Synod Agenda

The order of proceedings after the assembly of Synod for business shall be in accordance with the Agenda which shall generally be as follows unless varied by the Synod Planning Committee with the consent of the Bishop:

- (a) Service of worship;
- (b) Delivery of Bishop's Charge;
- (c) Election of Honorary Clerical and Lay Secretaries;
- (d) Reading, correcting and approving minutes of previous sessions;
- (e) Presenting, reading and referring of memorials, petitions, and correspondence;
- (f) Presentation of financial reports;
- (g) Ratification of acts of Diocesan Synod Council;
- (h) Giving notices of motion;
- (i) Reading and consideration of the reports of Standing and non-standing Committees;
- (j) Reading and consideration of nominations;
- (k) The confirmation of members of Diocesan Synod Council and the conduct of elections of representatives to Provincial Synod and General Synod as required;
- (l) Reading and consideration of Reports of the General Synod as required by Canon of the General Synod;
- (m) The consideration of reports of Committees and of all motions which, in the judgment of the Diocesan Synod Council, are of special importance and shall take precedence over all other motions, provided that motions of which notices have been given in the Convening Circular shall have precedence over all other business on the last day of the Sessions;
- (n) Addresses by visitors;
- (o) Any other matters that are appropriate.

## 27. Order of Business

At a Session of Synod, there shall be held a Service of Holy Communion for the Members of Synod.

During the Session, there shall be held such other services as the Bishop may direct.

## 28. Hours of Meeting

The Synod shall meet for business at a time to be established by Diocesan Synod Council, on the recommendation of the Synod Planning Committee, such decision by Diocesan Synod Council to be no less than sixty (60) days before a Regular Session of Synod and no less than one (1) week before an Electoral Session of Synod. In default of the establishment of such a time, the Session of Synod shall commence at 8:00 a.m. and each sitting shall be opened with prayers chosen for the occasion by the Bishop.

## 29. Evening Sitting

Should an evening sitting of the Synod be necessary, notice thereof shall be given by the Bishop, or other person presiding, not later than 4:00 p.m. of the same day, or shall be given in the Convening Circular.

## 30. Minutes of a Session of Synod

- (a) At each Session of Synod, the Honorary Secretaries, (or one of them), of the last preceding session, or someone on their behalf, shall submit for adoption three printed copies of the Minutes of the proceedings of the last preceding session. On the adoption of the Minutes so printed, with such corrections as may be made thereto, the said copies shall be authenticated by affixing thereto the Common Seal attested by the signatures of the Bishop (as President of the Synod) and of the Honorary Secretaries for the time being.
- (b) One of the above copies shall be deposited with the Bishop, one with the Registrar of the Diocese, and one with the Secretary of Synod and any one of these copies shall constitute and be received as the authentic and official record of the proceedings of such session.
- (c) There shall be appended to the printed Minutes of a session a list of amendments, and resolutions adopted by the Synod, together with an Index or Table of Contents.
- (d) The number of votes received by each member elected as a representative on the General or Provincial Synod, and each substitute member shall be printed in the Minutes.

## 31. Election of Members to General Synod

- (a) In accordance with section 21 (7)(b), at the Regular Session of Synod immediately preceding a Session of General Synod, the Members of Synod shall elect the prescribed number of Clerical Members and Lay Members to the General Synod. These shall be elected by ballot.
- (b) Only Members of Synod of the Diocese possessing a vote therein are eligible for election as members of the General Synod. The candidates shall be a Cleric licensed to and residing in a parish in the Diocese and a Lay Member representing and residing in a Parish in the Diocese, who receive a greater number of votes than any other such Cleric or Layperson respectively in their Order.
- (c) A similar number of each Order arranged in a list according to the number of votes received, beginning with the highest, shall be Substitute Members whenever for any cause a regularly elected member is unable to attend a Session of General Synod.
- (d) In addition to the persons elected under section 31(b), the Bishop shall appoint one (1) Member or call for the election of one (1) Member who will be at least sixteen (16) years of age upon the

opening of the tri-annual session of General Synod and under the age of twenty-six (26) years upon the termination of General Synod, who shall be a communicant member of The Anglican Church of Canada.

- (e) The Secretary of Synod shall inquire of the Members at least three (3) weeks prior to a Session of General Synod whether they can attend or not. In case a member is unable to attend, a notice shall be sent to a Substitute Member in the order in which the names of such substitutes appear in the list, notifying such substitute of that person's right to attend the Session of General Synod.

### **32. The term of Office of Members of General Synod**

The members of the General Synod from the Diocese of Ontario shall hold office until their successors are elected, provided that they continue to be members of this Synod.

### **33. Election of Members to Provincial Synod**

In accordance with section 21(7)(b), at the Regular Session of Synod immediately preceding a Session of Provincial Synod of the Ecclesiastical Province of Ontario, the Members of Synod shall elect the prescribed number of Clerical Members and Lay Members to the Provincial Synod.

### **34. Vacancies**

The Bishop shall fill all vacancies occurring between Sessions of Synod in the membership of the Diocesan Synod Council, Standing and other Committees of Synod, and shall make appointments to fill vacancies in the representation of this Diocese on the General Synod, the Provincial Synod of Ontario, where a sufficient number of elected substitutes are unable to attend.

### **35. Division of the Diocese**

In the event of a division of the Diocese, the portion of the territory intended to form the new Diocese shall be subject to The Constitution of the Synod of the Diocese of Ontario until its Synod has been organized, and its Bishop has been elected and consecrated.

### **36. Rules of Order**

- 1) When the Bishop, or other person presiding, takes the Chair, all members shall immediately come to order.
- 2) The Bishop or other person presiding shall preserve order and decorum and shall decide questions of order subject to an appeal to the Synod.
- 3) When the Bishop, or other person presiding, rises for the purpose of calling order or deciding any point of order or otherwise, no member shall remain standing.
- 4) Any member desiring to speak shall rise and address the Chair.
- 5) When two or more members rise to speak at the same time, the Bishop, or other person presiding, shall decide which member is entitled to the floor.

- 6) All motions and amendments shall be in writing and seconded, with the names of the mover and seconder thereon, and shall be referred to not less than three (3) members of the Canons and Governance Committee for determination of compliance with the Constitution and Canons and shall then be read from the Chair before being debated.
- 7) Only one amendment shall be considered until disposed of, but an amendment to the amendment may be proposed at any time, but so that only one such amendment shall be before the Synod at one time. Nevertheless, a substitute to the whole matter may be proposed and received, provided it deals with the subject matter in hand.
- 8) A member who has made a motion or moved an amendment may withdraw the same with the consent of the seconder and the unanimous leave of the Synod.
- 9) No member shall speak more than once on the same motion, nor more than once on an amendment, except the mover of the original motion who shall have the right of reply.
- 10) When a question is under consideration, no other motion shall be received, except to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or, with the consent of the Bishop, or other person presiding, to move that the question be now put; and motions for any of these purposes shall have precedence in order here named.
- 11) The motion "that the question be now put" shall be understood to have the following effect:

It shall be put to the vote forthwith, and if decided in the affirmative, a vote must be taken at once on the motion before the Synod and without debate. If it be decided in the negative, the motion that "the question be now put" cannot again be proposed until a vote has been taken on the motion before the Synod.
- 12) In taking a vote on a motion as above, it is understood that any amendments thereto then before the House are to be first disposed of in accordance with preceding s. 36 (7).
- 13) Motions to adjourn shall be decided without debate.
- 14) Any member shall have the right, subject to the consent of the Bishop or other person presiding, to require at any period of the debate, that a question under discussion be read for the information of such member.
- 15) In voting on amendments, the one last moved shall be put first, in every case, and not more than two amendments shall be under consideration at the same time.
- 16) When any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse: and when a motion is so put, no member shall retire until such motion is disposed of.

- 17) The ordinary mode of voting shall be by the Chairperson calling first upon those who vote in the affirmative to rise, and then those who vote in the negative. Alternatively, in the discretion of the Chairperson, voting may be conducted using coloured cards for affirmative and negative ballots.
- 18) On the requisition of the Bishop, or other person presiding, or of four (4) members of either order, which requisition must be made before the result of the voting is declared by the Chair or if required by Provincial or General Synod Canons, the votes of the Clergy and Laity may be taken and reported separately. The question shall then be determined by the majority of voters in each order and, unless passed in both orders, the motion shall be deemed to be defeated.
- 19) A question being once determined shall not be brought into discussion again in the same session without the sanction of the Bishop, or other person presiding, and of a majority of the members present.
- 20) No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded.
- 21) An address from the Bishop shall be in order at any time.
- 22) When the Synod is about to rise, every member shall remain seated until the Bishop or other person presiding has left the Chair.
- 23) The mover of a motion may speak for not more than ten (10) minutes or such greater time as the Chairperson may allow. Each other speaker may speak for not more than five (5) minutes unless otherwise directed by the Chairperson; the mover may speak for not more than five (5) minutes in closing. If there is a Members' Time scheduled, each speaker shall have no more than five (5) minutes to address the house.
- 24) Committees must report in writing to the body appointing them.
- 25) Every report must be dealt with by the body to which it is presented and, on motion, may be:
  - (a) Received
  - (b) Laid on the table
  - (c) Read, or taken as read
  - (d) Considered as a whole, or clause by clause
  - (e) Referred back for amendment
  - (f) Sent to another committee
  - (g) Ordered to be filed, entered among proceedings, or printed
  - (h) Adopted or rejected
- 26) When in a report some action is recommended, in order to give its proposition practical effect, a distinct corresponding substantive motion must be appended, or notice thereof must be given in the report.

27) Report of Committees to Synod, with the exception of the report of the Diocesan Synod Council shall be presented and discussed but not read.

### **37. Absence of Bishop**

Except as hereinbefore provided, in the absence of the Bishop, the powers and functions of the Bishop shall be exercised by the Bishop's Commissary, appointed by the Bishop, or failing such appointment, by the Coadjutor Bishop or Senior Suffragan Bishop present.

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# The Synod of the Diocese of Ontario

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