

**CONSTITUTION**  
**OF THE DIOCESE OF AUSTRALIA AND NEW ZEALAND**  
**OF THE UKRAINIAN AUTOCEPHALIC ORTHODOX CHURCH**  
**IN DIASPORA**

**General Provisions**

1. The Diocese of Australia and New Zealand is a constituent part of the Ukrainian Autocephalic Orthodox Church in Diaspora.
2. In its activities the Diocese is governed by 1) The Word of God given in the Holy Scriptures, 2) The Holy Tradition which we have in a) The Rules of the Holy Apostles, b) The Rules of the Seven Ecumenical Councils and Ten Local Councils recognised by the Orthodox Church, c) The Canonical Rules of the Holy Fathers adopted by the Ecumenical Councils, d) the traditions and customs of the Ukrainian Orthodox Church; 3) the Constitution of the UAOC in Diaspora adopted by the Sixth Church Synod in 1983 and by this Constitution.
3. In matters of spiritual and religious nature the resolution of which is intended to concern the whole of the UAOC in Diaspora the Diocese of Australia and New Zealand submits its resolution for the confirmation of the Synod of Bishops (Rules of the Holy Apostles 34, Antioch 9 and others). In matters of local nature in Australia and New Zealand the Diocese shall be governed by special instructions given in this Constitution and by the resolutions of the Diocesan Synod.

**The Diocesan Synod**

4. The higher legislative authority in the Diocese of Australia and New Zealand is the Diocesan Synod. The ordinary Diocesan Synod shall be convoked every three years, and the extraordinary Synod when required.
5. The Ordinary Diocesan Synod and the Extraordinary Diocesan Synod are convoked by the Governing Bishop and he designates the time and place of the Synod through the Diocesan Council at its regular session. The Governing Bishop appoints through the Consistory the Pre-Synod Commission which prepares the agenda for the Synod and submits it to the Governing Bishop for approval and confirmation.

**The Ordinary Diocesan Synod considers and decides the following matters:**

- a. development and consolidation of the religious life and moral education of the faithful of the Diocese;
- b. supervision of the administration and finances of the Diocese;
- c. election of the Diocesan Council, the Consistory, the Control Commission, the Church Court, and in case of need, recommendation of a candidate for the Governing Bishop;
- d. resolution of other affairs of the Church.

**The Extraordinary Diocesan Synod:**

- a. is convoked by the Governing Bishop on his own initiative or at the request of two thirds of all parishes of the Diocese;
  - b. convocation of the Extraordinary Diocesan Synod is notified not less than one month prior to the date of the Synod;
  - c. the Extraordinary Diocesan Synod resolves only the matters for which it was convoked.
6. The agenda of the Diocesan Synod shall be published in the official press organ of the Diocese of Australia and New Zealand of the UAOC in Diaspora together with the notification of the convocation of the Synod not later than one month prior to the date.
  7. The Synod is chaired by the Governing Bishop of the Diocese. In case of absence of the Governing Bishop a clergyman is appointed to the chair by the Governing Bishop.
  8. The presidium of the Synod comprises a chairman, two vice-chairmen (one clergyman and one lay person) and two secretaries elected from the members of the Synod.
  9. The quorum of the Diocesan Synod is constituted by not less than half of its mandated delegates. All resolutions are adopted by a majority vote of the present delegates. In the event of a tied vote the vote of the chairman decides the issue.
  10. The Diocesan Synod is composed of :
    - a. the Governing Bishop;
    - b. the clergy of the Diocese of all ranks with the exception of those under church suspension;
    - c. the members of the Diocesan Council, of the Consistory, of the Control Commission, of the Church Court and one representative from every functioning diocesan church organization;
    - d. the delegates of the parishes elected by the parishes or church communities – one delegate for each 50 members, and if a parish has fewer than 50 members then it has the right to one delegate. A delegate must be a full member of the parish he/she represents.
    - e. one delegate from the parish Brotherhood and one from the parish Sisterhood.
  11. The voting at the Synod should be open. A secret ballot may take place if so moved by a delegate to the Synod and approved by the majority.
  12. The Diocesan Synod shall be conducted in accordance with the Synod approved agenda with the observance of this Constitution and in accordance with the Synod adopted regulations with regard to the conduct of the Synod.
  13. The minutes of the Diocesan Synod shall be signed by the chairman and the secretaries of the Synod. The minutes shall be sent by the Consistory to all parishes of the Diocese within six month. Decisions and resolutions of the Synod shall be distributed by the Consistory to the parishes within two week

### **The Diocesan Bishop**

14. The Diocese is headed by a Bishop. He governs the Diocese in concurrence with the Synod of Bishops of the UAOC in Diaspora and in concordance with the Metropolitan Administration and the Diocesan Council.
15. The powers of the Bishop comprise matters evangelical (Rule Six of the Ecumenical Council), matters of church court and:
  - a. authoritative clarification of the Dogmas of the Faith and Church Rules;
  - b. decisions in matters concerning Divine Services and church rituals;
  - c. endorsement of translations of the Holy Scriptures and Liturgical texts, textbooks for teaching of religion and church vocal music and rituals;
  - d. church preaching;
  - e. care for the moral state of the clergy and the faithful;
  - f. decisions concerning defrocking;
  - g. decisions concerning matters of excommunication from the Church;
  - h. visitations of parishes;
  - i. consecration of churches and Antiminsia;
  - j. ordination of deacons and priests;
  - k. addressing his flock with Archpastoral letters;
  - l. the right to grant to the clergy and the lay members of his Diocese commendations and awards.

### **The Diocesan Council**

16. The governing organ of the Diocese in the interval between the Synods in all spiritual and temporal economic matters is the Diocesan Council headed by the Governing Bishop.
17. The Diocesan Council is composed of nine members:
  - a. the Governing Bishop;
  - b. the vice-chairman of the Diocesan Council, he is appointed by the Governing Bishop from the clerical members of the Diocesan Council;
  - c. four members from the clergy and four from the laity elected by the Diocesan Synod; if possible, each state where there are active parishes should be represented by either a clergyman or a lay member; the clerical and the lay members of the Diocesan Council are elected by the Diocesan Synod for the term of three years; in case of need a casual vacancy on the Diocesan Council is filled by an appointee of the Governing Bishop; the Diocesan Council includes chairpersons of Diocesan organizations in an advisory capacity;
  - d. members of the Diocesan Council may not be elected as members of the Consistory.
18. The duties of the Diocesan Council comprise :
  - a. supervision and monitoring of the activities of the Consistory, including supervision of the church administration, the property and the finances of the Church;
  - b. approval of the annual budget of the Consistory and of its reports, and of the adherence to the budget;
  - c. approval of the Constitutions of active Diocesan organizations;

- d. supervision of theological and church-religious education;
  - e. decisions concerning relations with other Christian Churches, in concurrence with the Governing Bishop;
  - f. legal defence of the Diocese.
19. Sessions of the Diocesan Council take place when required but not less frequently than once a year.
20. Sessions of the Diocesan Council are convoked by the Governing Bishop through the Consistory.
21. At its sessions the Diocesan Council considers:
- a. the information of the Head of the Diocesan Council concerning the religious-moral state of the parishes;
  - b. the activity report of the Consistory;
  - c. approval of the budget of the Diocese (proposed by the Consistory) for the following year;
  - d. all other matters which require approval of the Diocesan Council.
22. To assist in its work the Diocesan Council may create commissions composed of members from outside. Such commissions are dissolved on completion of their tasks.
23. The place, the time and the agenda for the session of the Diocesan Council are designated by the Head of the Diocesan Council in concurrence with the Consistory not later than one month in advance.
24. The Diocesan Council may consider matters not included in the agenda of the session.
25. The session of the Diocesan Council is valid if it is attended by half plus one of its members.
26. The decisions of the Diocesan Council are adopted by a majority of votes of members present at the session. In case of a tied vote the vote of the member chairing the session decides the issue. The voting is in the form of show of hands. Proxy votes are not allowed.
27. The resolutions of the Diocesan Council, endorsed by the Governing Bishop are sent to all members of the Diocesan Council, to the Parish Councils and to all persons whom those resolutions concern, and are published in the Diocesan journal after they are signed by the member chairing the session.
28. The minutes of the session of the Diocesan Council are signed by the chairperson and the secretary of the session of the Diocesan Council.

### **The Consistory**

- 29.** The Consistory is the executive organ of the Diocese. It is elected by the Synod for the term of three years. The Consistory consists of the chairman (a clergyman), four members (two clergymen and two lay members) and two reserve members (one clergyman and one lay member). The reserve members become full members of the Consistory in the event of retirement of members for any reason.
- 30.** The duties of the Consistory comprise:
- a. the execution of the resolutions of the Diocesan Synod and the Diocesan Council;
  - b. appointment and transfer to other positions of clergymen and employees of the Church on the instructions of the Governing Bishop;
  - c. preparation of the budget proposal and raising of the funds for its realisation;
  - d. administration of the property of the Diocese and decisions concerning matters of acquisition, disposal and mortgaging of the real property of the Diocese;
  - e. registration of new parishes;
  - f. construction of buildings of the Diocese;
  - g. organization of the church-religious education of the faithful of the Diocese;
  - h. organization of charitable societies and caring for them;
  - i. taking care of church art;
  - j. preservation of church archives;
  - k. supervision of conditions and the development of church life in the parishes;
  - l. maintenance and preservation of the register of the clerics of the Diocese (priests, deacons and precentors) and supervision of training of new candidates;
  - m. receiving from parishes complaints of breaches of church discipline, conduct of investigations, admonishment of transgressors and placation of the wronged and, if unavoidable, submitting the matter to the Governing Bishop for his consideration;
  - n. presentation of Diocesan matters in state courts;
  - o. representation of the Diocese with the blessing of the Governing Bishop amongst orthodox and other Christian Churches;
  - p. production of the official ecclesiastical publication of the Diocese;
  - q. taking care of provision of parishes with necessary liturgical and other essential items (books, forms and other items).
- 31.** The Consistory is the trustee for the Diocesan property. If it is the wish of a parish, the Consistory may be the trustee for its property.
- 32.** The meetings of the Consistory are convoked by the Consistory on the instruction of the chairman. The Consistory holds its meetings as required but not less frequently than once every three months. The Governing Bishop as the head of the Diocesan Council *ex officio* attends the meetings of the Consistory.
- 33.** The Consistory consists of the chairman and vice chairman (from the clergy), the secretary, the treasurer and the member for economic affairs all elected by

the Synod. Members of the Consistory may not be elected to the Diocesan Council but they take part in the sessions of the Diocesan Council with the right of vote.

34. If required, the Consistory may establish special commissions to handle certain matters.
35. Meetings of the Consistory are considered valid when attended by four members.
36. Decisions are adopted by the majority vote of the present members. In the event of a tied vote the vote of the presiding member decides the vote. Voting is by show of hands.
37. Members of the Consistory dissatisfied with a decision of the Consistory have the right of appeal to the Diocesan Council.
38. The minutes of a meeting of the Consistory shall be signed by the presiding member and the secretary and sent to the Governing Bishop, and the decisions concerning the life of the Diocese are sent to all members of the Diocesan Council.
39. The Consistory appoints a legal advisor to the Diocese to handle certain matters as required by any legal organ of the Diocese, the Church Court or the Control Commission.
40. The Consistory has its office. The remuneration of the officers of the Consistory is within the budget.
41. The correspondence of the Consistory is signed by persons responsible for the particular matter with the cognizance of the chairman, and in important cases by the chairman and the secretary.
42. The Consistory has a seal in Ukrainian and in English which is in the custody of the secretary.

#### **The Control Commission**

43. For the purpose of controlling the finances and the general temporal economy of the Diocese the Synod elects the Control Commission composed of three persons : a clergyman as the chairman and two lay members of the Commission and two reserve members – one clergyman and one lay member.
44. The Control Commission verifies the execution of the budget and audits the financial book-keeping of the Consistory and of the Diocesan organizations at least once a year.
45. The Control Commission submits to the Diocesan Council yearly verification and audit reports. To the Diocesan Synod the Control Commission submits three-yearly reports.

### **Church and Ecclesiastical Courts**

46. The Diocesan Church Court is the first instance of investigation and settlement of various complaints and disagreements in the church-parish life. Members of the Church Court comprising three persons are elected by the Diocesan Synod – two clergymen and one lay member.
47. The elected members of the Church Court elect from among themselves the chairman and the secretary. The decisions are adopted by a majority vote.
48. All complaints shall be submitted to the Consistory in writing, which, having acquainted itself with the case, may settle it through administrative channels, or refer it to the Governing Bishop with the request to hand it over to the Church Court for investigation and delivery of the court decision.
49. On the basis of a completed investigation and of received information the Consistory itself may act as the accuser of certain persons or church (parish) directives, delivering the matter for the investigation and decision of the Church Court.
50. Decisions of the Church Court require confirmation by the Governing Bishop. A party dissatisfied with the decision of the Church Court may appeal to the Diocesan Synod. The appeal and its justification shall be lodged with the secretary of the Consistory not later than one month from the day of the announcement or delivery of the decision of the Court.
51. In case of dissatisfaction with the decision of the Diocesan Synod the dissatisfied party has the right of appeal to the Synod of the Church whose decision shall be final.
52. Transgressions of clergymen against the Faith and morality or breaches of the Holy Canons or breaches of church discipline are investigated by the Ecclesiastical Court composed of three clergymen appointed each time by the Governing Bishop. Decisions of the Ecclesiastical Court are subject to confirmation by the Governing Bishop and may be appealed within one month to the Synod of Bishops as the final instance.
53. No sanctions may be applied without a prior decision of the Church or the Ecclesiastical Court. In urgent cases there can be exceptions when there is a requirement of immediate application of the episcopal powers for the protection of the Holy Church. In such cases the temporary orders of the Bishop are immediately submitted for the consideration of the Court.

### **The Parishes**

54. The basic cell of the Diocese is the parish under the jurisdiction of the Governing Bishop. The objective of a Parish is the organization of the common church-religious life.

55. New Parishes wishing to belong to the UAO Church submit to the Consistory an appropriate declaration that they adopt the Constitution of the UAOC.
56. In their internal life the Parishes function on the basis of the Parish Constitution confirmed by the Diocesan Synod.
57. The property of the Parish is owned by the Parish and is under its control as a constituent cell of the Diocese.
58. On the basis of the resolution of the Diocesan Synod each Parish contributes to the treasury of the Consistory church dues the amount of which is established by the Diocesan Synod.
59. Each Parish is obliged to submit to the Consistory the annual report on its activities. The Consistory may require a Parish to submit an extraordinary report-information on the activities of the particular Parish.

### The Clergy

60. The candidates for priesthood and deaconhood are consecrated by the Governing Bishop on the recommendation of the Consistory after a due inquiry into the staunchness of the candidate in the Orthodox Faith and his moral worth and after confirmation of the absence of any canonical obstacles. The candidate should possess appropriate educational qualifications for a successful service in the position of an ecclesiastical person in the UAOC.
61. The Consistory looks after the preparation of the candidates for the ecclesiastical order.
62. The candidate should pass an examination by the Examination Commission of the Consistory. The program of examinations for the candidates for priesthood and deaconhood is confirmed by the Governing Bishop or the Synod of Bishops.
63. A candidate for priesthood may not be consecrated under the age of 24 years, for deaconhood under the age of 21 years. Before the consecration the candidate shall take an oath of fidelity of pastoral service in the Ukrainian Autocephalic Orthodox Church.
64. If a priest of another Orthodox Church wishes to transfer and serve in the UAOC in the Diocese of Australia and New Zealand he must submit to the Governing Bishop the application for admission, simultaneously submitting his Certificate of Ordination and the Deed of Release from his Bishop.
65. In the case of a Roman Catholic priest entering the UAOC, for his acceptance he is required to recognise during the Holy Liturgy the Dogmas of the Orthodox Faith and to take an oath of fidelity to the Ukrainian Orthodox Church.



66. Appointment and transfer of priests takes place on the resolution of the Consistory, at their own request or at the request of the parish in concurrence with the Governing Bishop and the Diocesan Council.
67. The Parish Priest and his assistant look after the development of the church-religious life of the parish by preaching the Word of God, teaching children foundations of the Christian Faith and guiding the religious education of young people.
68. The Parish Priest is the head of the parish. It is up to him to lead and chair the meetings of the Parish Council and supervise the Brotherhood and Sisterhood. Taking into consideration local conditions it is permissible to elect another member of the Parish Council as the head of the Parish Council. In that case the Parish Priest takes part in the meetings of the Parish Council as an Honorary Head.
69. The Parish Priest maintains the register of baptisms, weddings and funerals and manages all other ecclesiastical affairs.
70. The Parish Priest submits to the Consistory a yearly report on the activities of the parish and on the clergy of his parish. The Consistory or the Governing Bishop of the Diocese may require extraordinary reports.
71. If a priest acts in a manner that impairs the dignity of his position or is unbecoming for his position, or disobeys lawful directives of the Bishop, or decisions of the Consistory, he becomes liable to church-disciplinary process in accordance with the Canons of the Church and this Constitution.

#### Miscellaneous

72. Proposals for alterations and amendments to this Constitution are to be submitted to the Consistory, which shall review them and submit them for the consideration of the Diocesan Synod. Each proposed alteration of the Constitution is brought to the notice of all parishes at least three months prior to the opening of the Synod. Alterations and amendments to this Constitution are adopted by a simple majority of votes of the mandated delegates to the Synod.
73. In the case of dissolution or liquidation of the Diocese its property after settling of all debts and financial obligations shall be handed over to the Metropolitanate of the UAOC in Diaspora.

---

**This Constitution was adopted and confirmed by the delegates to the 14<sup>th</sup> Synod of the Diocese on the 26<sup>th</sup>-27<sup>th</sup> of September, 1997 AD.**

**Protopresbyter M.Serdiuk**

**V.Bushtedt**

**Chairman of the Consistory**

**Secretary of the 14<sup>th</sup> Diocesan Synod**

The correctness of the above translation was verified by L.Rostek (M.A., B.Sc.)  
Assistant Chief Examiner for Ukrainian at SSAB SA (Senior Secondary Assessment  
Board of South Australia)