
ASSISTED PROVISIONAL PARISHES ORDINANCE 1988

No. 30, 1988

AN ORDINANCE to provide for the creation and administration of assisted provisional parishes.

WHEREAS it is desirable to provide for the creation, administration and change in classification of ecclesiastical districts which are not initially able to function without financial and administrative assistance from outside their own resources.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

Citation

1. This Ordinance may be cited as the "Assisted Provisional Parishes Ordinance 1988".

Repeal

2. The Parishes and Provisional Districts Ordinance 1961 is repealed.

Transitional provision — new housing districts to become assisted provisional parishes

3. (1) A district which, immediately before the commencement of this Ordinance, was a new housing district within the meaning of the Parishes and Provisional Districts Ordinance 1961 shall, on that commencement, be an assisted provisional parish for the purposes of each of the Ordinances which are amended by this Ordinance.

(2) A reference in any other ordinance or in an instrument made under any other ordinance to a new housing district shall be construed as a reference to an assisted provisional parish within the meaning of the Parishes Ordinance 1979, as amended by this Ordinance.

Amendment of the Parishes Ordinance 1979

4. The Parishes Ordinance 1979 is amended —

(a) (i) by omitting clause 1(1)(e) and by inserting instead the following paragraph:

(e) "ecclesiastical district" means a parish, provisional parish or assisted provisional parish constituted under or recognised as such for the purposes of this ordinance.

(ii) by inserting at the end of clause 1(1)(h) the following paragraphs:

(i) "assisted provisional parish" means an area which is not able to function as a separate ecclesiastical district without significant financial and administrative assistance from the Home Mission Society,

(j) "Home Mission Society" means the Council referred to in the Sydney Anglican Home Mission Society Ordinance 1981 and constituted a body corporate

ASSISTED PROVISIONAL PARISHES ORDINANCE 1938

under the Anglican Church of Australia (Bodies Corporate) Act 1938.

- (b) (i) by omitting from clause 4(1)(a) the words "other than a new housing district";
- (ii) by inserting after clause 4(1)(a) the following paragraph:
(aa) to change an assisted provisional parish to a provisional parish or to a parish,
- (iii) by inserting after clause 4(1)(c) the following paragraph:
(ca) to change a provisional parish to an assisted provisional parish, or
- (iv) by inserting after clause 4(8) the following subclause:
(8A) The Archbishop shall send or cause to be sent a copy of every proposal under —
- (a) paragraph (a) of sub-clause (1) of this clause to form a new assisted provisional parish;
- (b) paragraph (aa) of sub-clause (1) of this clause; and
- (c) paragraph (d) of sub-clause (1) of this clause to revoke an assisted provisional parish, to the General Secretary of the Home Mission Society. The Home Mission Society shall send to the Archbishop a written report as to the reasons for or against the proposal. Any such report received after three months of the date on which a copy of the proposal is sent to the General Secretary may be disregarded and shall not prevent effect being given under this ordinance to any proposal.
- (v) by inserting in clause 4(9) after the matter "sub-clause (7)" the matter "or (8A)";
- (c) (i) by inserting in the heading to clause 7 after the word "PARISH" the words "OR ASSISTED PROVISIONAL PARISH";
- (ii) by omitting from clause 7(1) the words "new provisional parish" where firstly occurring and by inserting instead the words "new ecclesiastical district, being a provisional parish or an assisted provisional parish";
- (iii) by omitting from clause 7(1)(a) and (b) the words "provisional parish" wherever occurring and by inserting instead the words "ecclesiastical district";
- (iv) by inserting at the end of clause 7(1) the words "In addition, in the case of an assisted provisional parish, a copy of every such instrument shall be sent to the General Secretary of the Home Mission Society.;"
- (v) by omitting from clause 7(2) the words "provisional parish" wherever occurring and by inserting instead the words "ecclesiastical district".

ASSISTED PROVISIONAL PARISHES ORDINANCE 1988

Amendment of the Sydney Church Ordinance 1912

5. The Sydney Church Ordinance 1912 is amended —

- (a) (i) by omitting subsection (8) of section 3 and by inserting instead the following subsection:
 - (8) "Parish" means a Parish or Provisional Parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979.
 - (ii) by inserting after subsection (9) of section 3 the following subsection:
 - (9A) "Provisional Parish" includes an Assisted Provisional Parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979.
- (b) by inserting after Part 12 the following part:

PART 12A — ASSISTED PROVISIONAL PARISHES

53A. (1) In this Part —

"Assisted Provisional Parish" means an Assisted Provisional Parish constituted under the Parishes Ordinance 1979;

"Home Mission Society" means the Council referred to in the Sydney Anglican Home Mission Society Ordinance 1981 and constituted a body corporate under the Anglican Church of Australia (Bodies Corporate) Act 1938.

(2) This Part has effect notwithstanding any other provision of this Ordinance.

53B. (1) The Home Mission Society, in relation to an Assisted Provisional Parish, is entitled —

- (a) to receive a copy of —
 - (i) the minutes of the meetings of the Parish Council or a Church Committee or of any Vestry Meeting; and
 - (ii) the annual accounts;
- (b) to be furnished, on request, or at such intervals as the Society may specify, with such financial or other information as the Society may specify;
- (c) to exercise the power of a Vestry Meeting or Church Committee to appoint an auditor or fill any vacancy in the office of an auditor;
- (d) to assist in the preparation of and approve the annual budget and to give directions as to the expenditure of any money provided by the Home Mission Society including loans negotiated on behalf of the Assisted Provisional Parish or funding from other Diocesan sources; and
- (e) to see that the minimum diocesan stipend and appropriate allowances are paid to the incumbent.

ASSISTED PROVISIONAL PARISHES ORDINANCE 1988

(2) All applications to the Sydney Church of England Finance and Loans Board in respect of a loan to an Assisted Provisional Parish shall be made on behalf of such Assisted Provisional Parish by the Home Mission Society.

(3) The Standing Committee shall not deal with any ordinance relating to church trust property held on trust for an assisted provisional parish until the Secretary of the Standing Committee has received a report concerning the ordinance from the Home Mission Society but, if no such report is received by the Secretary within 90 days of the Home Mission Society being informed of such ordinance, the Standing Committee may proceed in the absence of any such report.

(4) The Anglican Church Property Trust Diocese of Sydney shall not exercise any power under clause 10 or 17 of the Anglican Church Property Trust Diocese of Sydney Ordinance 1965 in relation to church trust property held on trust for an Assisted Provisional Parish without the prior written approval of the Home Mission Society (which approval may be given generally or may be limited to a particular case) but, if its approval is withheld, appeal may be made to the Standing Committee which shall determine the matter.

(5) In exercising any right of appointment to an Assisted Provisional Parish, the Archbishop may request a report to be made to him by the Parish Support and Development Division of the Home Mission Society concerning a possible appointment.

(6) Not later than 30 June each year, the Home Mission Society shall report to the Standing Committee in respect of each Assisted Provisional Parish —

- (a) the general position;
- (b) the financial position; and
- (c) whether in view of all circumstances the stage has been reached when the Assisted Provisional Parish should be formed into a Provisional Parish,

and in respect of any Assisted Provisional Parish upon which such report recommends accordingly, steps may be taken forthwith by the Home Mission Society for its formation into a Provisional Parish.

53C. (1) Where an Assisted Provisional Parish is created and there is no licensed building, Churchwardens or Church Committee, the Minister shall within 3 months of the date of his appointment to such Assisted Provisional Parish appoint churchwardens and an interim Church Committee.

(2) The interim Church Committee shall consist of no less than three and no more than ten persons who shall fulfil the qualifications of Section 45 of this Ordinance.

ASSISTED PROVISIONAL PARISHES ORDINANCE 1988

(3) The Churchwardens and interim Church Committee shall continue in office until the first appropriate date for holding an Annual Vestry Meeting.

(4) Until the appointment of Churchwardens and the formation of any interim Church Committee the functions of the Churchwardens and the interim Church Committee shall be exercised by the Home Mission Society.

Amendment of the Synod Representative and Membership Ordinance 1945

6. The Synod Representative and Membership Ordinance 1945 is amended —

- (a) by omitting clause 1(4);
- (b) by inserting in clause 1(5) after the words "provisional parish" wherever occurring the words "or an assisted provisional parish".

Amendment of the Accounts Ordinance 1975

7. The Accounts Ordinance 1975 is amended by omitting from clause 1(1)(a) the words "provisional district" and by inserting instead the words "assisted provisional parish".

Amendment of the Annual Leave Ordinance 1983

8. The Annual Leave Ordinance 1983 is amended —

- (a) by omitting from the definition of "churchwardens" in clause 1(2) the words "or provisional parish" and by inserting instead the words ", provisional parish or assisted provisional parish";
- (b) by omitting from the definition of "ecclesiastical district" in clause 1(2) the words "new housing district" and by inserting instead the words "assisted provisional parish";
- (c) by omitting paragraph (c) from the definition of "minister" in clause 1(2) and by inserting instead the following paragraph:
 - (c) as applied to an assisted provisional parish, the minister duly licensed thereto;

Amendment of the Assessment Authorisation Ordinance 1975

9. The Assessment Authorisation Ordinance 1975 is amended —

- (a) by omitting the words "provisional district" wherever occurring and by inserting instead the words "assisted provisional parish"; and
- (b) by omitting the words "new housing district" wherever occurring and by inserting instead the words "assisted provisional parish".

Amendment of the Parramatta Anglican Regional Council Ordinance 1971

10. The Parramatta Anglican Regional Council Ordinance 1971 is amended by omitting from clause 2(d) the words "new housing district" and by inserting instead the words "an assisted provisional parish".

ASSISTED PROVISIONAL PARISHES ORDINANCE 1988

Amendment of the Wollongong Anglican Regional Council Ordinance 1972

11. The Wollongong Anglican Regional Council Ordinance 1972 is amended by omitting from clause 2(d) the words "new housing district" and by inserting instead the words "an assisted provisional parish".

Amendment of other ordinances, rules or regulations

12. On and after the date this Ordinance comes into effect whenever the term "new housing district" or the plural form of that term has been used in any ordinance (other than this Ordinance) or rule or regulation it shall be taken to be "assisted provisional parish" or the plural form of that term and on the reprinting of any such ordinance, rule or regulation appropriate words shall be used to give effect to this provision.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

N.M. CAMERON
Deputy Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this 12th day of October 1988.

G.K. CLIFTON
W.G.S. GOTLEY
Secretaries of Synod

I ASSENT to this Ordinance

DONALD ROBINSON
Archbishop of Sydney

12/10/1988