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*Inner City Ordinance 1972*

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No. 44, 1972

AN ORDINANCE to constitute the Inner City Committee and to empower the members of that Committee in relation to various matters.

WHEREAS in 1967 a Commission of Inquiry was appointed by the Synod of the Diocese of Sydney to examine the life and work of the Church in the inner city areas of Sydney AND WHEREAS the report of the Commission was received by the Synod in 1969 AND WHEREAS the Synod directed the Standing Committee to appoint a committee to confer with the Archdeacon of the said areas and to advise the Archbishop generally on matters relating to the Parishes dealt with in the said report AND WHEREAS the Standing Committee has appointed such a committee AND WHEREAS it is desirable to confer upon the said committee certain executive functions AND WHEREAS it is therefore necessary to provide for the constitution of the said committee NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

DEFINITIONS

1. (1) For the purposes of this Ordinance:—
  - (a) the term "inner city area" means the area comprised in all of the parishes listed in the Schedule hereto as at the date on which this Ordinance is assented to,
  - (b) the term "inner city parish" means a parish included in the inquiry of the said Commission and listed in the Schedule hereto and includes any parish formed hereafter which is comprised of territory within the inner city area,
  - (c) the terms "Committee" and "Inner City Committee" mean the members of the committee hereby constituted,
  - (d) the term "financial year" includes:—
    - (i) each period of twelve calendar months ending on the 31st March—the last such period being that which ended on the 31st of March 1971.
    - (ii) the period beginning on the 1st of April, 1971 and ending on the 31st day of December, 1971, and
    - (iii) each period of twelve calendar months beginning on the 1st of January—the first such period being that beginning on the 1st of January, 1972.
  - (e) an inner city parish shall be deemed to be financially unsound, in relation to any financial year, if the offertories and collections taken in connection with services in all churches in that parish during that financial year are less, in the case of a financial year of twelve calendar months, than the minimum stipend for rectors of parishes last recommended by the Synod prior to that financial year but, in the case of a financial year of some other duration, than that sum which bears to the minimum stipend for rectors of parishes last recommended by the Synod prior to that financial year the same ratio as the number of days in that financial year bears to 365, and
  - (f) the term "offertories and collections" shall not include:—
    - (i) moneys directed by the donor to be paid to any missionary society or to any other extra-parochial body or by way of poor relief; or

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(ii) moneys which were, prior to such moneys being taken in connection with a service, "church trust property" as defined in the Church of England Trust Property Act 1917.

(2) The headings contained in this Ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of this Ordinance in any way.

(3) This Ordinance may be cited as "Inner City Ordinance 1972".

### INNER CITY COMMITTEE

2. (1) The Inner City Committee shall consist of:—

- (a) The Archbishop or any Assistant Bishop appointed by him,
- (b) an Archdeacon appointed by the Archbishop,
- (c) three clergymen elected by the Standing Committee in the first instance and subsequently by the Synod; and
- (d) five lay persons elected by the Standing Committee in the first instance and subsequently by the Synod.

(2) Each of the clergymen elected pursuant to paragraph (c) of sub-clause (1) shall be a clergyman licensed to an inner city parish and each of the lay persons elected pursuant to paragraph (d) of sub-clause (1) shall be a person who has regularly attended divine service at a church of an inner city parish, during the three months prior to such election.

(3) The first members of the Committee shall be elected as soon as practicable after the date on which this Ordinance is assented to.

(4) One of the clergymen elected pursuant to paragraph (c) of sub-clause (1) and two of the lay persons elected pursuant to paragraph (d) of sub-clause (1) shall retire at each ordinary session of Synod. Those to retire shall be those who have been members of the Inner City Committee the longest without submitting to re-election provided that, in the case of competition, the question shall be determined by lot.

(5) A person appointed or elected pursuant to sub-clause (1) shall cease to be a member of the Committee if:—

- (a) he dies,
- (b) he resigns by writing given or sent to the Archbishop or the Chairman of the Committee,
- (c) he becomes bankrupt or insolvent,
- (d) he is convicted of any offence punishable by imprisonment for one month or longer,
- (e) he is absent from three consecutive ordinary meetings of the committee without leave of absence,
- (f) in the case of any person appointed pursuant to paragraphs (a) or (b) of sub-clause (1), his appointment is revoked by the Archbishop,
- (g) in the case of any person elected pursuant to paragraphs (c) or (d) of sub-clause (1), he ceases to satisfy the requirements contained in sub-clause (2), or
- (h) he retires pursuant to sub-clause (4).

(6) Upon a person appointed by the Archbishop pursuant to paragraphs (a) or (b) of sub-clause (1) ceasing to be a member of

the Committee, the Archbishop shall appoint another person in his place and upon a person elected in accordance with paragraphs (c) or (d) of sub-clause (1) ceasing to be a member of the Committee the vacancy shall be filled in accordance with the provisions of the Casual Vacancies Ordinance 1935.

#### PROCEEDINGS

3. (1) Five members of the Committee of whom at least two are ordained persons and at least two are lay persons shall form a quorum.

(2) Subject to sub-clause (1) of this clause and to any other provision contained herein, the members of the Committee shall meet at such times and in such places and conduct the business of the Committee in such manner as the said members consider appropriate.

#### RIGHTS, POWERS AND DUTIES

4. (1) The Committee may:—

(a) accept gifts,

(b) raise moneys, by such means as they may consider appropriate, and

(c) disburse those moneys, but not in any manner inconsistent with the trusts on which those moneys are held,

for the benefit of the inner city area or any inner city parish or any part of the inner city area or for any ministry conducted in any part of the inner city area.

(2) The Committee shall lay before the Synod each year an account of moneys received and disbursed by them made up to the 31st December preceding that Synod. The first such account shall be in respect of the twelve months ending on the 31st December, 1972.

5. (1) (a) The Committee or its representatives shall hold a parochial conference with the rector, churchwardens and parish council of each inner city parish at least once every two years to determine the policy for that parish's future ministry and use of property. The Archdeacon having jurisdiction in that parish shall act as Chairman of the parochial conference.

(b) The Committee shall confer with each Archdeacon having jurisdiction in the inner city area on all matters relating to the ministry and to property within the inner city area and each such Archdeacon shall confer with the Committee on all such matters after it has informed the inner city parish or parishes to be affected of its recommendations.

(2) The Committee shall advise and may make recommendations to the Archbishop on all matters relating to the ministry and to property within the inner city area.

(3) Nothing contained in this clause shall be deemed to oblige the Archbishop to accept any such advice or to act on any such recommendations or to prevent any such Archdeacon from dissenting from any such advice or any such recommendation.

(4) The word "ministry" in this clause shall not include the presentation or the licensing of a clergyman to an inner city parish.

6. The Committee shall—

(a) endeavour to co-ordinate the pattern of ministry and the use and development of property in the inner city area,

(b) advise the Archbishop regarding desirable alterations in

the boundaries of any inner city parish and on the revocation amalgamation or creation of any inner city parish,

- (c) report to the Archbishop and advise the Archbishop on the advisability and feasibility of the retention and maintenance of historic church buildings,
- (d) report to the Archbishop and advise on any proposed appointment to a vacancy in the cure of souls of an inner city parish where permitted under clause 9,
- (e) convene conferences for members of churches in the inner city area from time to time,
- (f) implement (so far as is possible) the findings and recommendations of the said Commission of Inquiry,
- (g) exercise and perform such other rights, powers and duties as are conferred upon it from time to time by ordinance of Synod, and
- (h) report to Synod each year on the exercise of the rights, powers and duties conferred upon it by this Ordinance.

7. (1) The Committee may make a proposal for the revocation of an inner city parish in accordance with the provisions of the Parishes and Provisional Districts Ordinance 1961-1971 as amended.

(2) Where the Synod declares any parish (being a parish existing at or at any time prior to the date on which this Ordinance is assented to) within the inner city area to be revoked the Committee may promote an Ordinance to vary the trusts on which the property held in trust for such parish is held.

(3) Where the Standing Committee declares any inner city parish to be revoked provisionally, then —

- (a) the Standing Committee shall notwithstanding sub-clause (3) of clause 17 of the Parishes and Provisional Districts Ordinance, defer specifying the new ecclesiastical status thereof, and shall defer defining the manner in which the territory thereof shall be assigned;
- (b) the Committee shall report to the Synod in relation thereto; and
- (c) pending Synod so specifying and defining, the Committee shall have the power to fill (from its own number or otherwise) any vacancy in the office of churchwarden in any church in that parish and any vacancy on the parish council or on any church committee of that parish, and any such person so appointed in accordance herewith shall hold office until such time as the new ecclesiastical status of that inner city parish is defined or the territory of that inner city parish is assigned.

8. The minister licensed to an inner city parish and the churchwardens of each church in that parish shall supply to the Committee, upon being requested so to do, such information regarding the receipts and outgoings and other financial matters of that parish as the Committee may require.

9. For the purpose of giving effect to the foregoing provisions:—  
(a) the Standing Committee shall not entertain any Ordinance pursuant to the Land Ordinance Procedure

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and Delegation of Powers Ordinance 1926 (or any Ordinance amending or replacing the same) affecting or relating to any church trust property held on trust for any inner city parish until the Secretary thereof has received a report from the Committee in relation thereto, provided that in the event of no report being made within ninety days after the date when the petition for the Ordinance is lodged with the Secretary of the Committee it shall be competent for the Standing Committee to proceed in the absence of any such report,

- (b) Church of England Property Trust Diocese of Sydney shall not exercise any of the powers conferred upon it by clauses 10 or 17 of the Church of England Property Trust Diocese of Sydney Ordinance 1965 in relation to any church trust property held in trust for any inner city parish without the prior written approval thereto of the Committee which approval may be given generally or may be limited to any specific case, provided that when such approval is withheld appeal may be made to the Standing Committee which shall determine the matter, and
- (c) in considering whether there are good and sufficient reasons for refusing to accept any presentation of a clergyman for licensing of an inner city parish and in otherwise exercising any right of appointment to an inner city parish, the Archbishop shall have regard to (but shall not be bound to accept or to act on) a report of the Committee made to him in relation to such presentation or proposed appointment.

PROVIDED that paragraph (c) of this clause shall only apply where the inner city parish concerned has no right to elect representatives pursuant to clause 8 of the Presentation and Exchange Ordinance 1933-1971 during the then current financial year or where the parish concerned has been financially unsound during the preceding financial year.

### REVOCATION OF LICENCES

10. (1) If:—

- (a) an inner city parish has been financially unsound for two consecutive financial years or for three of five consecutive financial years, and
- (b) within twelve months of the last day of those two consecutive financial years or those five consecutive financial years not less than three of the clerical members of the Committee and three of the lay members of the Committee inform the Archbishop by notice in writing that, in the opinion of those members (which opinion for the purposes of the following sub-clauses of this clause 10 shall be deemed to be the opinion of the Committee) the clergyman who is licensed to that inner city parish is not exercising or can no longer exercise an effective ministry in that inner city parish,

the Archbishop, as soon as reasonably possible after receiving such notice, shall

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- (i) notify that clergyman of the said opinion, and
- (ii) call upon that clergyman to show cause why his licence should not be revoked.

Such notification and call shall be made in writing delivered personally to the said clergyman.

(2) If a clergyman to whom such notification and call is delivered desires to show cause, as afore-said, he may do so in writing delivered to the Archbishop within one month after such notification and call is delivered to him. The Archbishop shall refer any such writing to the Committee. The Committee shall consider the same and after so doing shall notify the Archbishop in writing whether or not the Committee desires to withdraw the opinion previously given by it in relation to that clergyman.

(3) If:—

- (a) a clergyman to whom such notification and call is delivered does not deliver to the Archbishop any writing pursuant to sub-clause (2) within the period specified therein, or
- (b) a clergyman to whom such notification and call is delivered delivers to the Archbishop writing pursuant to sub-clause (2) within the period specified therein, and the Committee notifies the Archbishop in writing within a period of one month that it does not desire to withdraw the opinion previously given by it;

then the Archbishop

- (i) shall notify the Committee that he disagrees with the opinion given to him by the Committee, or
- (ii) shall refer the matters arising from sub-clause (b) above to three Commissioners appointed by him to review and report. If the Commissioners uphold the opinion of the Committee, then the Archbishop shall give opportunity to the said clergyman to show cause why his licence should not be revoked and may there-after revoke the said licence.

(4) If the Archbishop, pursuant to paragraph (i) of sub-clause (3), notifies the Committee that he disagrees with the opinion given to him by the Committee in relation to the ministry of a clergyman, no further notice shall be given to the Archbishop pursuant to sub-clause (1) in relation to that clergyman until the expiration of one year from the date on which the last notice was given to the Archbishop pursuant to that sub-clause in relation to the ministry of that clergyman.

(5) If a clergyman who is licensed to an inner city parish resigns from his cure, any proceedings taken in relation to him under this clause shall cease.

(6) The Committee and the Archbishop and the Commissioners shall be entitled to exercise and perform the rights powers and duties conferred upon them by this clause in relation to any clergyman notwithstanding that proceedings are or are about to be taken in relation to that clergyman under the Tribunal Ordinance 1962 or under the Incapacity and Inefficiency Ordinance 1906-1924 or any Ordinance amending or replacing those Ordinances or either of them.

(7) If the Archbishop revokes the licence of any clergyman pursuant to sub-clause (3), the clergyman whose licence is revoked shall be entitled to continue to occupy the rectory or other house which he has been occupying free of charge (but subject to him paying

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any rates or taxes payable in respect of the same and keeping the same adequately insured and in good repair, fair wear and tear excepted) until:—

- (a) he is licensed to another cure of souls in the Diocese of Sydney or to officiate in some other diocese,
- (b) he would have retired had his licence not been revoked,
- (c) the expiration of six months from the date on which his licence was revoked,
- (d) he ceases to use such rectory or other house as the main residence for himself or his family, or
- (e) he parts with possession of such rectory or other house or permits some person other than a member of his family who is dependent on him to occupy the same,

whichever happens first and, except where such clergyman is licensed to another cure of souls in the Diocese of Sydney or to officiate in some other diocese, the Archbishop shall issue a general licence to such clergyman.

(8) No notice shall be given by the Committee to the Archbishop pursuant to sub-clause (1) after the expiration of four years from the date on which this Ordinance is assented to.

(9) No proceedings or action taken pursuant to this clause shall be construed as penal or as evidence of any fault or failure or blame-worthy conduct on the part of any clergyman.

### CHANGE OF AREA

11. (1) If

- (a) the clergyman licensed to a parish or other ecclesiastical district and a majority of the members of the parish council (if any) for the time being of such parish or district desire to form part of the inner city area and so notify the Archbishop in writing signed by such clergyman and majority,
- (b) the Committee consents thereto in writing given to the Archbishop, and thereafter
- (c) the Archbishop consents thereto,

such parish or district shall be deemed to be part of the inner city area on and from the day on which the Archbishop gives his consent as aforesaid.

(2) If

- (a) the clergyman licensed to any inner city parish which has the right to elect representatives pursuant to clause 8 of the Presentation and Exchange Ordinance 1933-1971 during the then current financial year and which was not financially unsound during the preceding financial year, and a majority of the members of the parish council (if any) for the time being of such parish do not wish to remain part of the inner city area and so notify the Archbishop in writing signed by such clergyman and majority,
- (b) the Committee notify the Archbishop that it is no longer appropriate that the said parish be part of the inner city area, and thereafter,
- (c) the Archbishop consents to the said parish ceasing to be part of the inner city area,

the said parish shall cease to be an inner city parish and shall

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cease to be part of the inner city area on and from the day on which the Archbishop gives his consent as aforesaid.

**SCHEDULE**

Annandale, St. Aidan.  
Balmain, St. John the Evangelist.  
Balmain, St. Mary.  
Bishopthorpe, St. John.  
Centennial Park, St. Matthias.  
Cook's River, St. Peter.  
Darlinghurst, St. John.  
Erskineville, Holy Trinity.  
Leichhardt, All Souls.  
Marrickville, St. Clement.  
Mascot, St. Luke.  
Mill Hill, St. Barnabas.  
Newtown, St. Stephen.  
Paddington, St. George.  
Redfern, St. Saviour.  
Rozelle, St. Thomas.  
Stanmore, St. Augustine with St. Luke, Enmore.  
Sydney, St. Barnabas.  
Sydney, Holy Trinity.  
Sydney, St. Michael.  
Sydney, St. Peter.  
Waterloo, St. Silas with St. Paul.

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

**ATHOL RICHARDSON,**  
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney on the 17th day of October, 1972.

**R. J. BOMFORD,**  
**W. L. J. HUTCHISON,**  
Secretaries of Synod.

I assent to this Ordinance.

**MARCUS LOANE,**  
Archbishop of Sydney.

17/10/1972.