
Land Ordinance Procedure, &c., 1926.

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AN ORDINANCE to consolidate and amend the Ordinances regulating the procedure in the initiation of Ordinances under the "Church of England Trust Property Act 1917" (No. 21) and delegating certain powers and functions in pursuance of the provisions of the said Act.

The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and by the "Church of England Trust Property Act 1917" (No. 21) and of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

REPEAL.

1. The Ordinance passed on the 3rd October, 1918, to regulate the procedure in the initiation of Ordinances under the "Church of England Trust Property Act 1917" (No. 21) and to delegate certain powers and functions in pursuance of the provisions of the said Act and the Ordinances amending the same passed in the years 1921 and 1923 are hereby repealed but such repeal shall not affect or invalidate any Ordinance passed or any Act done thereunder and all such Ordinances and Acts shall respectively have the same effect as if this Ordinance had been in force and they had been respectively passed and done under this Ordinance and all Ordinances initiated under the said Ordinances and not completed at the time of the passing of this Ordinance may be dealt with under the provisions of either the said repealed Ordinances or this Ordinance.

2. In this Ordinance unless inconsistent with the context—

- (a) "Standing Committee" means the Committee for the time being holding office under the provisions of the Standing Committee Ordinance or any Ordinance amending or taking the place of the same.

"Ordinance" means an Ordinance proposed to be passed under the provisions of The Church of England Trust Property Act 1917.

"Secretary" means the person for the time being acting as Secretary for the Standing Committee.

PETITION AND COPIES OF PROPOSED ORDINANCES

3. An Ordinance shall be initiated by lodging with the Secretary a Petition addressed to the Synod signed by the Petitioners and by also lodging with the Secretary copies of the Ordinances in such quantities and printed typed or otherwise produced as he shall require.

PREAMBLE TO ORDINANCE.

4. Every Ordinance shall contain a preamble reciting the circumstances on which it is founded and bringing the case within the provisions of the above-mentioned Act and stating the matters in reference to which the Ordinance is sought.

SYNOD IN RECESS.

5. The Standing Committee shall have power to entertain any Ordinance during the recess and notwithstanding that leave to bring in such Ordinances has not been obtained from the Synod and to report to the Synod.

NOTICE.

6. (a) A notice shall be posted and continuously for three weeks remain posted at the main entrance of the principal Church of each Parish affected by an Ordinance and of each other Church therein which may be specially affected thereby, and it shall also be read out at the morning and evening services held in such Churches on all Sundays during such period of three weeks.

(b) Every such notice shall state the intention to apply to Synod for the Ordinance and the general objects thereof and shall also contain a notification that petitions in opposition to such Ordinance may be presented in accordance with the provisions of this Ordinance.

FURTHER NOTICE.

7. If it shall appear to the Standing Committee that notice has not been given in conformity with this Ordinance or that

circumstances call for another or further notice the Standing Committee may require such other or further notice to be given as the justice of the case shall in the opinion of the Standing Committee require.

PETITIONS IN OPPOSITION.

8. (a) Petitions in opposition to any Ordinance shall be addressed to the Synod and be presented by lodging the same with the Secretary any time before the expiration of four weeks from the date when the said notice is posted as aforesaid.

(b) Every such Petition shall distinctly specify the grounds of opposition, and may be received and dealt with by the Standing Committee.

(c) Every such Petition shall state the name and address of some person upon whom and at which any notice relating to the matter may be served and in default thereof such Petition shall not be considered.

DATE FOR EVIDENCE.

9. After the expiration of the said period of four weeks and of any further period required for any other or further notice as aforesaid the Standing Committee may proceed to enquire into and fix a date for the taking of evidence upon the Ordinance.

PROVISIONS FOR ENQUIRY.

10. The Petitioners as and when required by the Standing Committee shall:—

- (a) Pay the sum of five pounds to the Standing Committee to meet the expenses attendant on such Ordinance and a Certificate of that sum having been paid signed by the Secretary shall be produced before the taking of evidence is proceeded with.
- (b) At their own expense provide a short-hand writer to be approved of by the Standing Committee for the purpose of taking down such evidence.
- (c) Supply to the Secretary for the use of the Synod copies of the Ordinance in such quantities and printed typed or otherwise produced as he shall require.

ENQUIRY AND REPORT.

11. Before the first reading of the Ordinance the Standing Committee shall hear the parties in person or by counsel or solicitor if it be desired and may take such oral or other evidence as they think requisite and the Standing Committee shall unless exercising their powers under clause 17 hereof report to the Synod whether they approve of the Ordinance or think it should be amended and their report shall specify—

- (a) Whether the preamble has been proved and if not in what respects.
- (b) What amendments (if any) are required in the Ordinance.
- (c) The Standing Committee's opinion on all matters at issue between the promoters of the Ordinance and any person opposing it and
- (d) The reasons why the Standing Committee are of opinion that the Ordinance should or should not be passed.

RECORD OF EVIDENCE.

12. A copy of the oral evidence given at any meeting of the Standing Committee shall within five days thereafter be furnished to the Secretary.

RECORD OF AMENDMENTS OF ORDINANCE.

13. The Standing Committee shall annex to their report a transcript of the evidence taken and a copy of the Ordinance showing the amendments (if any) which the Standing Committee recommend and which of such amendments (if any) the promoters do not accept.

SUSPENSION OF REGULATIONS.

14. The Standing Committee may by resolution declare any matter to be one of special urgency and may suspend any part of the above regulations in relation to the matter in question and the matter may thereupon proceed accordingly.

EXCEPTIONAL ORDINANCES.

15. Any Ordinance which relates to property committed to the government and control of the Sydney Diocesan Board of

Finance and which has been approved by resolution of the said Board may be introduced at any time without the preliminary procedure hereinbefore prescribed.

SUB-COMMITTEE.

16. For the purposes of this Ordinance the Standing Committee may from time to time appoint a Sub-Committee or Sub-Committees and may refer either all Ordinances generally or only specified Ordinances or classes of Ordinances to such Sub-Committee or Sub-Committees respectively for enquiry and report to the Standing Committee.

DELEGATION OF POWERS.

17. The Standing Committee is hereby appointed for the purpose of exercising and accordingly may during the recess of the Synod of the Diocese exercise in the place of such Synod all or any of the powers and functions and do and make all or any of the things referred to in the sections of the Church of England Trust Property Act 1917 (No. 21) following viz. :—

- (a) Section 14 constituting portion of Part III.
- (b) Sections 26 to 31 (inclusive) constituting Part VI.
- (c) Section 32 constituting Part VII.
- (d) Section 37 constituting portion of Part IX (so far as relates to Ordinances passed under the said Parts VI. and/or VII. or under any Act thereby represented).

PROVISO.

Provided that any Ordinance proposed to be made by the Standing Committee partly or wholly under the powers conferred by the said Section 32 constituting Part VII. of the said Act may at any stage before assent thereto be referred to the Synod by the person for the time being authorised to assent to an Ordinance of such Synod and such person shall refer such Ordinance to such Synod upon the request in writing of any three members of the Standing Committee presented to such person before such assent.

STANDING ORDERS.

18. The procedure of the Standing Committee in acting under Section 17 hereof shall be in accordance with the Stand-

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ing Orders of Synod for the time being mutatis mutandis and in accordance with the foregoing sections hereof except that the Standing Committee instead of reporting to the Synod as herein provided shall from time to time report specially to Synod all action by the Standing Committee under the said 17th Section.

SHORT TITLE.

19. This Ordinance may be cited as "Land Ordinance Procedure and Delegation of Powers Ordinance 1926."

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

GERARD D'ARCY-IRVINE,
Acting Chairman of Committees.

We certify that this Ordinance was passed this twenty-seventh day of August, 1926.

W. A. CHARLTON } Secretaries of
F. A. BLAND. } the Synod.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

31st August, 1926.