

APPENDIX No. 45.

311912

ORDINANCE. SYDNEY CHURCH ORDINANCE.

AN ORDINANCE providing for Parochial government and for the management of Church Property and for other purposes.

WHEREAS it is expedient to make provision for the several matters hereinafter mentioned 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 ordains as follows:—

1. This Ordinance may be cited as the "SYDNEY CHURCH ORDINANCE 1912" and is divided into parts as follows:—

Part 1 REPEAL	s. 2.
Part 2 INTERPRETATION	s. 3.
Part 3 TRUSTEES	ss. 4-9.
Part 4 SITES FOR NEW CHURCHES &c. NEW GLEBE LANDS NEW BURIAL GROUNDS &c.	ss. 10-13.
Part 5 NEW CHURCHES &c.	ss. 14-16.
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Part 10 CHURCHWARDENS	ss. 38-42.
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Part 1.—REPEAL.

2. (1) The Sydney Church Ordinance and the Sydney Church Ordinance Amendment Ordinance 1898 are hereby repealed but all the provisions thereof with respect to Churchwardens and Parochial Councils shall as to each Church continue in force until the next annual vestry meeting of such Church and notwithstanding part 7 of this Ordinance the provisions of Clause 84 of The Sydney Church Ordinance shall apply so far as they lawfully may until the 1st day of April 1913.
- (2) The repeal of the said Ordinance shall not affect the past operation thereof nor anything suffered done or commenced nor any right privilege obligation or liability acquired accrued or incurred thereunder.
- (3) All offices established and all persons elected or appointed to and holding any office under the said repealed Ordinances shall continue and save as aforesaid they shall be subject to the provisions of this Ordinance as if it had been in force at the time such offices were established and such persons were elected and appointed and as if they had been established elected and appointed respectively hereunder.
- (4) Save as aforesaid and except so far as there is anything in this Ordinance inconsistent therewith this Ordinance shall apply to all matters and things made done or commenced under the said repealed Ordinances and at the commencement of this Ordinance of any force or effect or capable of acquiring any force or effect by virtue of the said repealed Ordinances as if this Ordinance had been in force at the time they were made done or commenced and they were made done or commenced hereunder.

Part 2.—INTERPRETATION.

3. In this Ordinance unless inconsistent with the context or subject matter.
 - (1) "Archbishop" means the Archbishop of Sydney for the time being.
 - (2) "Archbishop in Council" means the Archbishop on the Advice of the Standing Committee.

- (3) "Church" when applicable to a building means a building of any Parish Mission District or Conventional District duly consecrated or licensed for the celebration of Divine Service the administration of the Sacraments and the performance of any other Rite or Ordinance of the Church of England and except in parts 5, 9, 10 and 11 includes Chapels and Mission Halls consecrated or licensed as aforesaid.
- (4) "Church of England" means the Church of England within the State of New South Wales.
- (5) "Church Property Trust" means the Church of England Property Trust Diocese of Sydney incorporated under the "Church of England Trust Property Incorporation Act 1881."
- (6) "Financial year" means the period beginning with the 1st day of April and ending with the 31st day of March next following.
- (7) "Minister" means
 - (a) as applied to a Parish the Minister duly licensed thereto for the time being by the Archbishop or his Commissary or the Administrator of the Diocese, and subject to such limitations as the said Minister or if the cure be vacant as the Archbishop shall prescribe the Minister duly licensed to officiate in the place of the said Minister or during such vacancy and
 - (b) as applied to a Mission District or Conventional District the Minister for the time being licensed thereto.
- (8) "Parish" means
 - (a) a Parish exclusive of any part thereof comprised in any Mission District or any Conventional District
 - (b) a Mission District or
 - (c) A Conventional District.
- (9) "Parishioner" means any member of the Church of England including a married woman
 - (a) has usually during three months within the period of twelve months preceding the time being attended Divine Service in a Church of the Parish or
 - (b) being a resident in the Parish has at least three months but not more than twelve months preceding the time being paid in pew rent or otherwise one pound towards the general purposes of a Church of the Parish in respect of the financial year current at the time of such payment

and such member shall be a parishioner of such Church provided that no such member may be a parishioner of more than one Church for the time being.

- (10) "Subscriber" means any member of the Church of England including a married woman who has paid one pound towards the erection of a building intended to become a Church or of the Parsonage for the Minister thereof.
- (11) "Vestry Meeting" means a meeting of the adult parishioners of a Church convened under the provisions of this Ordinance.

Part 3.—TRUSTEES.

4. An adult male member of the Church of England and no other person shall be eligible for election or appointment as a Trustee under this Ordinance. Qualification.

5. Any Trustee of any Parochial Church property who

- (1) shall have been absent either from the State for more than twelve months in succession or from more than three meetings of the Trustees in succession and in each case without the consent of his co-trustees and the sanction of the Archbishop. Disqualification.
- (2) shall neglect or refuse to execute a declaration of trust or to act in the trusts or to furnish any account called for under section 7 of this Ordinance.
- (3) shall become bankrupt or lunatic or
- (4) shall in the opinion of the Archbishop in Council be incapable or unworthy of acting

may be removed from his office of Trustee by the Archbishop in Council.

6. Whenever any Trustee of any Parochial Church Property shall die or shall resign his office with the consent of his Trustees or co-Trustee if only one or shall be removed as aforesaid the vacancy thereby caused shall be filled as follows:— New Trustee

- (1) Where such Church property is held for the sole benefit of some particular Parish the Archbishop shall by writing give notice of such vacancy to the Minister and Churchwardens of the Church or the principal Church if more than one of such Parish and they shall within fourteen days call a vestry meeting of such Church and such meeting may by election fill up such vacancy.

- (2) In all other cases the vacancy shall be filled up by election by the Synod of the Diocese or if not so filled up or such Synod be not in session by the Standing Committee.
- (3) A certificate signed by the Archbishop shall in favor of *bona fide* purchasers for value be conclusive evidence that the persons named in such certificate are the duly constituted Trustees of the Parochial Church Property mentioned in such certificate and in the case of lands under the operation of the "Real Property Act 1900" or any Act amending or taking the place of the same shall so far as the Synod may lawfully so provide entitle such Trustees to be registered as the proprietors thereof and to have a Certificate of Title issued to them without any formal transfer.

counts.

7. The Synod or if the Synod be not in session the Standing Committee may call upon any Trustees of any Church property for any account of their dealings with the same and may submit such account to Auditors appointed by the Synod and the fees of such Auditors shall be paid by such Trustees out of such Church property.

ditors.

8. At the first session of each Synod two or more persons shall be appointed by the Synod as Auditors for the purposes aforesaid provided that if no such appointment be made or a vacancy occurs the Standing Committee may make such appointment or fill such vacancy as the case may be.

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9. The names occupations and residences of all Trustees of any Parochial Church Property shall be registered in a Book to be kept by the Registrar of the Diocese. The Registrar of the Diocese shall also keep a Terrier of the Trust lands and particulars of other Trust Property held by the aforesaid Trustees.

Part 4.—SITES FOR NEW CHURCHES &c. NEW GLEBE
LANDS NEW BURIAL GROUNDS &c.

nveyance
Transfer.

10. Whenever any person or persons or corporation shall desire to provide for the use of the members of the Church of England a site for the erection of a Church Parsonage School House or other building or a site with a building suitable for any such purpose already erected thereon or any Glebe Land Burial Ground or other land or any interest in land such person or

persons or corporation having first obtained the sanction of the Archbishop and the consent of the Church Property Trust shall cause the said land or interest in land to be conveyed or transferred by instrument duly registered under the form of Conveyance contained in the Schedule to this Ordinance or under such other form of conveyance or transfer as may be approved by the Archbishop in Council.

11. In any case where such land or interest in land shall be transferred by Memorandum of Transfer under the Real Property Act or any Act amending or taking the place of the same then the Church Property Trust shall at the same time execute a Declaration of Trust in such terms as shall be approved by the Archbishop in Council.

Declaration of Trust.

12. The person or persons or corporation so causing such land or interest in land to be transferred by Memorandum of Transfer as aforesaid shall cause such Declaration of Trust or a duplicate or attested copy thereof to be deposited with the Registrar-General.

Lodging of Declaration of Trust.

13. Upon completion of the said Conveyance or Transfer as the case may be all documents of title which relate to the land or interest in land so conveyed or transferred as aforesaid and which the Church Property Trust shall be entitled to shall forthwith be delivered to the Church Property Trust or to its order.

Title Deeds etc.

Part 5.—BUILDING NEW CHURCHES &c.

14. The approval in writing of the Archbishop shall be obtained for the position and the plans and specifications of all buildings intended for a Church Parsonage School House or other building for the use of members of the Church of England before the erection thereof on any lands held upon trust for any Church purpose.

Plans, etc.

15. No building shall be consecrated or licensed as a Church until the site upon which it is erected has been so conveyed or transferred as aforesaid and it has been provided with such things as may be requisite for the celebration of Divine Service according to the law and usage of the Church of England.

Consecration and License.

16. Before or within thirty days after any building shall be consecrated or licensed as a Church a meeting of adult Subscribers shall be convened within such time as the Archbishop shall by writing appoint and all the provisions hereinafter contained which are applicable to an Annual Vestry Meeting and

Meeting of Subscribers.

which relate to the validity and effect of things done or to be done at an Annual Vestry Meeting shall *mutatis mutandis* apply to such meeting of subscribers and for the purposes aforesaid "Subscriber" shall be read for "parishioner" and the functions of the Minister and Churchwardens shall be performed by such person or persons as the Archbishop shall by writing appoint.

Part 6.—CHURCHES, ETC., THEIR USES, ETC.

17. No person shall be permitted to celebrate Divine Service administer the Sacraments perform any other rite or ordinance of the Church of England or preach any sermon in any Church unless he be first licensed or approved by the Archbishop.

18. A Church shall not be used for any purpose other than the celebration of Divine Service the Administration of the Sacraments the performance of the Rites and Ordinances of the Church of England or the giving of religious instruction except with the consent in writing of the Archbishop and of the Minister if any for the time being thereof and no person except the Archbishop shall be allowed to perform any clerical office in a Church except with the consent of the Minister or if there shall not be a Minister for the time being thereof with the consent of the Archbishop.

19. The Minister shall have the charge and be responsible for the safe custody of all Church Registers and Records other than current Books of Account and shall keep the same within the Church or in such other place as the Archbishop shall from time to time in writing appoint and if there be no Minister such custody and responsibility shall belong and attach to the Churchwardens.

20. The Minister shall have free access and admission into the Church at all such times as he shall think fit, and may celebrate Divine Service administer the Sacraments and perform all other Rites and Ordinances of the Church of England therein without any hindrance from any person whomsoever and shall for such purposes have keys of the Church and shall freely have use possess and enjoy the parsonage garden and appurtenances and may freely use the School House and other Parochial buildings for such parochial purposes as he may deem desirable and shall for such purposes have keys thereof and shall have the use of seats in the Church as provided in section 41 (3).

21. It shall not be lawful to make any alteration by way of addition or diminution in the fabric utensils ornaments or furniture of a Church or in the internal arrangements thereof or

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otherwise howsoever nor to place any monument in any part of a Church save with the sanction of the Archbishop to be given by a faculty or other form of permit provided that no such alteration *utensils ornaments furniture or other things* shall be permitted placed or remain in any Church nor in any such position therein as would be illegal in any Church of England in England.

22. Subject to any regulations made hereunder applications Faculties, e for such sanction as aforesaid shall be made by the Minister and by the Parish Council of the Parish in which the Church concerned is situated or if there be no Parish Council then by the Minister and the Church Committee or if there be also no Church Committee then by the Minister and the Churchwardens of such Church.

23. The Archbishop in Council may from time to time make Regulations or approve of regulations for the practice procedure and forms and prescribe fees in respect of all matters arising under sections twenty-one and twenty-two.

24. The Archbishop may for the purpose of enabling him to Archbishop's Directions, deal with any application made under sections twenty-one and twenty-two of this ordinance direct all such notices to be given meetings to be summoned and other things to be done and in such manner as he may think fit.

Part 7.—GLEBE LANDS.

25. The Trustees for the time being of any Glebe land may Leases. with the consent in writing of the Archbishop and as to any part of the said land which may be in the possession or occupation of the Minister for the time being of the Church to which such Glebe land is annexed with the further consent of such Minister let the said Glebe land upon building or other leases for any term not exceeding twenty-eight years reserving the rents and profits thereof to the Trustees for the time being.

26. The Trustees for the time being of Glebe land which has Permanent Charges. been let in accordance with the provisions of the 21st Section of the Act 8 Wm. IV., No. 5 or of the Sydney Church Ordinance or which shall be let under this Ordinance shall hold the net rents and profits thereof after satisfying thereout from time to time the amounts which are permanently charged thereon by virtue of the original trusts of the said land and the "Church Acts Repealing Act of 1897" or otherwise upon trust to apply the same from time to time as hereinafter provided.

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plus Rents.

27. The said Trustees after satisfying the said amounts so permanently charged as aforesaid shall from time to time until otherwise determined by Synod apply the remainder if any of such net rents and profits in paying an additional one hundred and fifty pounds yearly to the Minister for the time being of the said Church and in paying one hundred and fifty pounds yearly to the Curate or other Assistant of such Minister and to such other purposes not amounting to a diversion from the purposes to which such Glebe land is devoted within the meaning of the "Church Acts Repealing Act of 1897" as the Council for the time being of The Home Mission Society of the Diocese of Sydney from time to time with power to vary the same shall appoint and the Archbishop shall sanction and the Council for the time being of the said Society is hereby expressly authorised to make such appointments as aforesaid from time to time and to vary the same.

Minister's
rights.

28. Save as aforesaid the Minister shall be entitled to the Glebe land and to receive the rents and profits thereof and notwithstanding anything hereinbefore contained the Trustees shall if required by the Minister in cases where the Parsonage shall be situate upon the Glebe reserve and appropriate to the personal use and occupation of the Minister in addition to the amount per annum to be paid to him from the rents and profits of such Glebe such portion of such Glebe as shall be sanctioned by the Archbishop.

Part 8.—BURIAL GROUNDS.

Charge and
Administration

29. All lands including churchyards now or hereafter vested in Trustees and consecrated for the purpose of being used as a Burial Ground for a particular Parish shall be under the charge and administration of the Churchwardens and the Minister of the Parish in which such lands are situated and shall not be used for any purpose other than the burial of the dead according to the rites and ceremonies of the Church of England. Provided that if and when the Burial Ground of Saint Thomas' North Sydney shall be closed or further interments therein shall be prohibited by or under any Act for the time being in force the charge administration and management thereof may be placed by the Archbishop in the hands of a Committee to be from time to time appointed by him and the said Committee in carrying out the charge administration and management may act in such manner in all respects as they deem expedient and the Archbishop sanction.

30. The Archbishop and such Trustees as aforesaid may together subject to the proviso in section 29 make and from time to time alter Rules and Regulations and scales of fees— Rules, Regulations and Fees.

- (a) For the management of such Burial Ground.
- (b) For interments in such Burial Ground.
- (c) For the enclosure of land therein by kerbing or otherwise.
- (d) For any other matters including the application of any such fees.

31. Subject to such Rules and Regulations and to the proviso in section 29 the Minister and Churchwardens may permit any monument to be erected or placed and any vault to be dug and made in any part of the Burial Ground and any alteration or addition to be made in or to any monument or vault. Monuments and Vaults.

Part 9.—VESTRY MEETINGS.

32. Vestry Meetings may be convened by the Minister and Churchwardens of the Church and shall be convened by writing placed in a prominent position at each entrance to the Church and announcement at the morning and evening services or the service if only one at least two Sundays before such meeting stating the time and place of such meeting. Provided that in cases where service is for the time being celebrated less frequently than each Sunday such announcement may be made at the service or services celebrated on one Sunday only before such meeting. Convening.

Vestry Meetings may be convened at any time for the consideration of any business or matter connected with the Church.

33. A Vestry Meeting shall be convened in respect of each Church in every year for some date later than the 31st day of March and within twenty-one days after Easter Monday unless the Archbishop in any case by writing either before or after such date shall have elapsed shall prescribe some other limit of time and such meeting shall be known as the Annual Vestry Meeting. Annual Vestry Meeting.

34. Six adult parishioners or the Minister and five adult parishioners shall constitute a quorum at any Vestry Meeting or adjourned Vestry Meeting. Quorum

If no quorum be present within half an hour after the time appointed for the meeting the Meeting shall stand adjourned for seven days the time and place for the adjourned meeting being

the same as those appointed for the first meeting and the adult parishioners present at such adjourned meeting shall constitute a quorum for such meeting.

If a quorum be present at a Vestry Meeting or adjourned Vestry Meeting the meeting may from time to time be adjourned to such time and place as the Meeting may determine.

Chairman.

35. The Minister if present shall be the Chairman of the Vestry Meeting or any adjourned Vestry Meeting and if the Minister shall not be present at any time the meeting before proceeding to or with business shall subject to an appointment under section 55 elect a Chairman who shall preside during the absence of the Minister. The Chairman shall have a casting vote only.

Business of Annual Vestry Meeting

36. Each Annual Vestry Meeting shall:—

- (1) Receive and pass or otherwise determine upon the accounts of the Churchwardens.
- (2) Give directions as to the printing and distribution of the accounts of the Churchwardens.
- (3) Elect two qualified persons to be Churchwardens.
- (4) Appoint a person or persons to audit the accounts of the Churchwardens for the ensuing year.
- (5) If it is the Annual Vestry Meeting of one of two or more Churches of a Parish determine whether or not there shall be a Church Committee and if in the affirmative elect three six or nine qualified persons to be members thereof.
- (6) If it is the Annual Vestry Meeting of the only Church of a Parish—
 - (a) Determine whether or not there shall be a Parish Council and if in the affirmative
 - (b) Elect three six or nine qualified persons to be members thereof and
 - (c) Determine whether or not the rights powers and duties of a Church Committee shall vest in such Parish Council.
- (7) Subject to any modification in particular cases under section 43 (2) if there be more than one Church of the Parish and it is the Annual Vestry Meeting of the principal Church elect three or six persons to be members of the Parish Council.
- (8) Transact such other business connected with the Church as the meeting may desire.

37. The Minister shall at each Annual Vestry Meeting appoint one qualified person to be a Churchwarden and shall within three days after such meeting appoint one qualified person to be a member of the Parish Council and Church Committee respectively for each three persons elected at such meeting to be members thereof.

Minister's
appointments

Part 10.—CHURCHWARDENS.

38. Any male adult parishioner who is a Communicant member of the Church of England and no other person shall be qualified to be elected or appointed a Churchwarden.

Qualifica-
tions

39. The office of a Churchwarden shall become vacant if he shall die resign or become bankrupt or lunatic or otherwise incapable of acting and the vacancy thereby caused shall be filled as follows:—

New Church-
wardens.

- (a) If he held office by virtue of election the Minister and Churchwardens shall within twenty-one days after the vacancy arises convene a Vestry Meeting and such Vestry Meeting shall elect a Churchwarden in his place.
- (b) If he held office by virtue of appointment the Minister shall within twenty-one days after the vacancy arises appoint a Churchwarden in his place.

40. The persons so elected and appointed Churchwardens as aforesaid shall hold and execute the office of Churchwardens subject as aforesaid until the ensuing Annual Vestry Meeting and any act done by them or the majority of them as Churchwardens shall be deemed to be the act of the Churchwardens.

Tenure of
Office.

41. The rights powers and duties of Churchwardens besides those prescribed in the Book of Common Prayer shall be:—

Rights, Power
and Duties.

- (1) To have the charge and administration of all Parochial Church Funds and Property not by the Trusts under which they are held excluded from such charge or administration.
- (2) To keep order in the Church and Churchyard.
- (3) To have the superintendence and direction of all matters connected with the arrangement assignment and letting of seats in the Church provided that a sufficient number of the seats shall be reserved and always appropriated to the gratuitous use of the Minister.
- (4) To collect all seat rents and other moneys if any payable to the Churchwardens.

- (5) To have the care of the Church and its furniture and of other things appertaining to the celebration of Divine Service and to see that everything is fit and in proper order for the due performance thereof.
- (6) To report to the Archbishop any grave irregularities in the performance of Divine Service any wilful neglect of duty or any flagrant misconduct on the part of the Minister.
- (7) To report promptly to the Registrar of the Diocese the names addresses and occupations of all persons elected or appointed to be Trustees Churchwardens members of Church Committees or members of Parish Councils.
- (8) To insure the Church or Churches the fittings fixtures and furniture therein and the parsonage schools and all other buildings with the appurtenances thereof taking care that the insurances are in the names of the proper persons and are otherwise in order.
- (9) Before every Annual Vestry Meeting to prepare a statement of all moneys received and expended by them during the previous financial year and a balance sheet for the said year in such form as the Archbishop in Council may from time to time prescribe which shall be duly certified by their own signatures and by the signatures of the Auditor or Auditors duly appointed as hereinbefore mentioned and to produce at the Annual Vestry Meeting such statement and balance sheets so certified and to forward copies thereof to the Registrar of the Diocese and to deliver to their successors the book or books containing the accounts of such moneys and likewise all vouchers for payments together with such balance as shall appear by the said accounts to be remaining in their hands. Also to prepare and submit to the Meeting an account showing all moneys received by them after the termination of the financial year and all payments made thereout for stipends and salaries and urgent expenses connected with Divine worship and hand over the balance of such moneys to their successors, and also to cause statements of account to be printed and distributed as directed by the Annual Vestry Meeting.

rights, etc., if ^{42.} (a) If there be only one Church of the Parish and the Annual Vestry Meeting shall not have determined that the rights powers and duties of a Church Committee shall vest in the Parish Council such rights powers and duties shall for the ensuing year vest in the Minister and

Churchwardens and if there be no Parish Council the rights powers and duties of a Parish Council shall also for the ensuing year vest in the Minister and Churchwardens.

- (b) If the Annual Vestry Meeting shall not have determined under section 36 that there shall be a Church Committee the rights powers and duties of a Church Committee shall for the ensuing year vest in the Minister and Churchwardens.

Part 11.--PARISH COUNCILS AND CHURCH COMMITTEES.

43. (1) If there be only one Church of the Parish and the Annual Vestry Meeting shall have determined that there shall be a Parish Council there shall for the ensuing year be a Parish Council which shall consist of the Minister and Churchwardens and such persons so elected and appointed thereto at and after such Annual Vestry Meeting as aforesaid. Constitution
of Parish
Councils.
- (2) If there be more than one Church of the Parish there shall be a Parish Council which shall consist of the Minister and Churchwardens of the principal Church and such persons so elected and appointed thereto at and after the Annual Vestry Meeting as aforesaid and also of such one of the Churchwardens of each other Church of the parish as shall be appointed thereto from time to time by such Churchwardens. Provided that on the application of the Churchwardens of any Church of the Parish the Archbishop in Council may make any modification of the Constitution of the Parish Council in the particular case of such Parish.
44. If the Annual Vestry Meeting shall have determined under section 36 that there shall be a Church Committee there shall for the ensuing year be a Church Committee which shall consist of the Minister and Churchwardens and of such persons so elected and appointed thereto at and after such Annual Vestry Meeting as aforesaid. Constitution
of Church
Committees.
45. Any male adult parishioner who is a Communicant member of the Church of England and no other person shall be qualified to be elected or appointed a member of the Parish Council and Church Committee respectively. Qualification

filling up
vacancies.

46. The office of member of a Parish Council or Church Committee shall become vacant if he shall die resign or become bankrupt or lunatic or otherwise incapable of acting and the vacancy thereby caused shall be filled as follows:—

- (a) If he held office by virtue of election the Minister and the Churchwardens of the Church at the Vestry Meeting whereof he was elected shall within twenty-one days after the vacancy arises convene a Vestry Meeting and such Vestry Meeting shall elect a person in his place.
- (b) If he held office by virtue of appointment by the Minister the Minister shall within twenty-one days after the vacancy arises appoint a person in his place.

secure of
office.

47. The persons so elected and appointed members of the Parish Council and Church Committee respectively as aforesaid shall hold office subject as aforesaid until the ensuing Annual Vestry Meeting.

meetings

48. The first meeting of the Parish Council shall be called by the Minister or the Churchwardens of the principal or only Church as the case may be and the first meeting of the Church Committee shall be called by the Minister or the Churchwardens of the Church and all subsequent meetings shall be called by such persons and at such times as the Council or Committee respectively shall determine. Provided that the Minister or a majority of the Council or Committee respectively may call a special meeting of the Council or Committee respectively at any time by written notice to each member thereof.

Chairman.

49. The Minister shall be Chairman but if he be not present the members shall elect a Chairman who shall preside during the absence of the Minister. The Chairman shall have a casting vote only.

quorum.

50. At all meetings of the Council or Committee respectively one-third of the existing number of members thereof shall constitute a quorum.

rights, etc.,
of Parish
Councils.

51. The rights powers and duties of a Parish Council but without imposing on the members thereof any legal liability shall be:—

- (1) To fix and with the consent of the Minister and Archbishop or if the cure be vacant with the consent of the Archbishop alone from time to time to alter the stipend of the Minister provided that any endowment or other income-producing gift for or towards or supplementing the stipend of the Minister shall not effect an alteration of the stipend so fixed or altered as aforesaid, but the annual amount of such gift when received by the Minister shall be deemed to have been received on account of the current year's stipend.

- (2) Where there are two or more Churches of the Parish also to fix and from time to time to alter the proportion of the stipend to be contributed by each Church provided that the Parish Council shall forthwith give to the Churchwardens of each Church of the Parish notice of any determination under this sub-section and the Churchwardens of any such Church may within sixty days after receiving such notice appeal from such determination to the Archbishop and the decision of the Archbishop thereon shall be final.
- (3) To fix with the consent of the Minister the stipend of any Curate or of any Catechist or other lay worker.
- (4) To consult and take proper action either *proprio motu* or on reference by a Vestry Meeting or the Minister upon all measures of general interest to the Parish.

52. The rights powers and duties of a Church Committee but without imposing on the members thereof any legal liability shall be:— Rights, etc.
of Church
Committees.

- (1) To provide moneys for special or general Church purposes.
- (2) To control the funds and property of the Church except so far as the same are by the trusts under which they are held excluded from such control provided that no school building shall be used for any purpose not sanctioned by the Minister.
- (3) To fix and from time to time to alter the salaries to be paid to any lay persons holding any office in or about the Church.
- (4) To repair the Church or Churches the fittings fixtures and furniture therein and the Parsonage Schools and all other buildings with the appurtenances thereof.
- (5) To provide the Minister with sufficient means for the safe custody of all Church Registers and records.
- (6) To provide the Minister with funds towards the relief of the poor of the parish or district.
- (7) To direct the expenditure or investment of any surplus funds.
- (8) From time to time to fix the terms of the agreements which the Churchwardens may make with persons for the letting to them of seats and to vary any arrangement existing with regard to seats being rented or free (provided that at least one-third of the seats shall always be free) and to increase or reduce the rent which shall have

been previously fixed for such seats. Provided that three months' notice of such increase or reduction be given to existing seat-holders and that such increase or reduction shall not take effect until the expiration of any then current tenancy. Provided also that if there is a debt upon the Church Parsonage or School buildings for which any persons are personally liable no such reduction shall take place nor shall the number of free seats be increased without the consent in writing of such persons.

- (9) To fill up any vacancy in the office of Auditor.
- (10) To confer with another Committee or other Committees upon any matter affecting the Parish or any part thereof.

Part 12.—OFFICERS—APPOINTMENT AND REMOVAL.

53. The Organist and Choir of each Church shall from time to time be appointed and removed by the Minister and all other officers shall be appointed by the Churchwardens of such Church with the concurrence of the Minister.

Part 13.—ABSENCE, ETC., OF ARCHBISHOP.

54. In the absence of the Archbishop from the State of New South Wales the powers by this ordinance vested in him shall (subject to such limitations as he may prescribe) be exercised by a Commissary appointed by him and in default of such appointment or if the Archbishop be incapable of acting then by the person who if the See were vacant would be the administrator of the Diocese and if the See be vacant then by such administrator.

Part 14.—ABSENCE, ETC., OF MINISTERS.

55. In any case where there shall be no Minister or no Minister competent and willing to discharge the functions or any of the functions devolving upon him under this Ordinance any person appointed by the Archbishop by writing may discharge such functions and such discharge shall have the same validity and effect in all respects as if there had been a Minister competent and willing to discharge and he had discharged the same.

Part 15.—GENERAL.

56. Nothing in this Ordinance shall be held to refer to the Cathedral Church of St. Andrew Sydney or to the lands and property belonging thereto. Exemption of Cathedral.

57. In all cases where any question or dispute shall arise— Disputes.

- (1) As to whether any meeting of Subscribers Parishioners or Trustees or
- (2) As to whether any election or appointment of any person or persons to any office established or provided for by this Ordinance

has been effectively provided for or has been called or made in accordance with the provisions of this Ordinance such question or dispute may be determined by the Archbishop in Council. And in all cases where any question or dispute shall arise

- (3) As to whether any vacancy has arisen in the office of Churchwarden or of a member of a Parish Council or a Church Committee.
- (4) As to which are for the time being the boundaries of any Parish.
- (5) As to which is for the time being the principal Church of any Parish or
- (6) As to which is the Church in respect of which any person is for the time being a parishioner

such question or dispute may be determined by the Archbishop alone.

58. The Archbishop or the Archbishop in Council as the case may be shall enter into the consideration of any such question or dispute as aforesaid only upon the application of some person or persons interested therein and for the purpose of determining the same the Archbishop or the Archbishop in Council as the case may be may give all such notices may make such inquiries and do all such things as shall appear reasonable and proper under the circumstances. Procedure.

59. (1) In all cases where In default of Meetings and appointments.

- (a) any meeting of Subscribers Parishioners or Trustees or
- (b) any election or appointment of any person either originally or in case of a vacancy to any office established or provided for by this Ordinance

has been ineffectively provided for or shall not be called or made in accordance with the preceding provisions of this Ordinance the Archbishop

The Arch
bishop may
call meeting

(c) may call such meeting by such notice and for such time and place as he may think fit or may by writing appoint some other person to call such meeting for such time and place as aforesaid and to act as Chairman thereof and

And make
appointments.

(d) may by writing appoint to any such office any person duly qualified therefor under this Ordinance.

Validity of
such meetings
and
appointments.

(2) All such meetings and appointments so authorised as aforesaid shall have the same authority validity and effect and be deemed to be the same in all respects as if they had been called and made respectively in accordance with the said provisions.

Archbishop
may use
Schoolhouse,
etc., for
Meetings.

60. Notwithstanding anything hereinbefore contained any School House or other parochial building shall on the requisition of the Archbishop be available for the purpose of any meeting which the Archbishop may call or appoint some other person to call under this Ordinance.

Marginal
Notes.

61. The marginal notes shall not for the purposes of construction be deemed to be part of this Ordinance.

SCHEDULE.

CONVEYANCE TO THE CORPORATE TRUSTEES.

THIS INDENTURE made the _____ day of _____ between A.B. of _____ of the one part and the Church of England Property Trust Diocese of Sydney a body Corporate (hereinafter called the said Church Property Trust) of the other part Witnesseth that at the request of the said Church Property Trust [and in consideration of _____] He the said A.B. doth grant and release unto the said Church Property Trust and their successors all that _____ together with all buildings rights privileges easements and appurtenances to the said hereditaments or any of them appertaining or with the same or any of them now or heretofore enjoyed or reputed as part thereof or appurtenant thereto And all the estate right title and interest of the said A.B. in and to the said premises To hold the said premises hereinbefore expressed to be hereby granted and released unto and to the use of the said Church Property Trust their successors and assigns Upon Trust to permit a [Church, School, or as may be] to be erected on the said land to be called _____ and to be subject to the provisions of the "Sydney Church Ordinance 1912" or any other Ordinance of the Diocese of Sydney for the time being in force and applicable to the said land.

[Usual Vendor's Covenants.]

IN WITNESS, &C.

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

E. W. MOLESWORTH,
Deputy Chairman of Committees.

We certify that this Ordinance was passed this ninth day of October, 1912.

E. CLAYDON } *Secretaries of*
W. R. BEAVER } *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY..

22/10/12.
