

---

 Sydney Church Ordinance Amendment Ordinance 1980
 

---

No. 27, 1980

AN ORDINANCE to amend the Sydney Church Ordinance 1912-1979.

WHEREAS it is expedient to amend the Sydney Church Ordinance 1912-1979 (hereinafter called the "Principal Ordinance") NOW the Synod of the Diocese of Sydney hereby ORDAINS DECLARES DIRECTS AND RULES as follows:—

1. (1) This Ordinance may be cited as the "Sydney Church Ordinance Amendment Ordinance 1980".

(2) The Principal Ordinance as amended by this Ordinance may be cited as the "Sydney Church Ordinance 1912-1980" and in any reprint of that Ordinance Section 1 shall be amended accordingly.

2. The Principal Ordinance is amended:—

(a) by omitting from Section 1 the matter "Part 16. Schedule.";

(b) by omitting clause (5) of Section 3 and by inserting instead the following clause:—

"(5) 'Corporate Trustee' means the Church of England Property Trust Diocese of Sydney.";

(c) (i) by omitting from Section 10 the words "Church Property Trust" wherever occurring and by inserting instead the words "Corporate Trustee";

(ii) by omitting from Section 10 the words "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";

(iii) by omitting from Section 10 the words "by instrument" where secondly occurring;

(d) by omitting from Section 13 the words "Church Property Trust" wherever occurring and by inserting instead the words "Corporate Trustee";

(e) by omitting from Section 15 the words "Church Property Trust" and by inserting instead the words "Corporate Trustee"; and

(f) by omitting the Schedule to the Principal Ordinance.

3. The Principal Ordinance is amended by omitting subsection (3) of Section 34 and by inserting instead the following subsection:—

"(3) The election of any person to any office shall not be invalidated by reason only of the omission of any person to make the declaration required by this Section."

4. The Principal Ordinance is amended:—

(a) (i) by inserting in Section 35 after the figures "35" the matter "(1)";

(ii) by inserting at the end of Section 35 the following subsections:—

"(2) Nothing in subsection (1) of this Section prevents the Minister, if present at the Vestry Meeting or any adjourned Vestry Meeting, from authorising a person entitled to take part in the meeting to be the Chairman of the meeting and

Sydney Church Ordinance Amendment Ordinance 1980

the Minister's authorisation shall have effect accordingly.

(3) An authorisation under subsection (2) of this Section may be revoked by the Minister at any time."

(b) (i) by inserting in Section 49 after the figures "49" the matter "(1)";

(ii) by inserting at the end of Section 49 the following subsections:—

"(2) Nothing in subsection (1) of this Section prevents the Minister, if he be present at the meeting of the Council or Committee, from authorising a member of the Council or Committee respectively to be the Chairman of the meeting and the Minister's authorisation shall have effect accordingly.

(3) An authorisation under subsection (2) of this Section may be revoked by the Minister at any time."

5. The Principal Ordinance is amended:—

(a) by omitting paragraphs (a) and (b) of subsection (1) of Section 39 and by inserting instead the following paragraphs:—

"(a) If he held office by virtue of election the Minister and Churchwardens shall convene a Vestry Meeting to be held within three months after the vacancy occurs to elect a Churchwarden in his place.

(b) If he held office by virtue of appointment the Minister shall within two months after the vacancy occurs appoint a Churchwarden in his place."

(b) by omitting paragraphs (a) and (b) of subsection (1) of Section 46 and by inserting instead the following paragraphs:—

"(a) If he held office by virtue of election the Minister and Churchwardens shall convene a Vestry Meeting to be held within three months after the vacancy occurs to elect a qualified person in his place.

(b) If he held office by virtue of appointment the Minister shall within two months after the vacancy occurs appoint a qualified person in his place."

6. The Principal Ordinance is amended by inserting in clause (1) of Section 41 after the word "administration" where secondly occurring the words "and, in the case of the Churchwardens of the Principal Church in a Parish having more than one Church, to have the charge and administration of all funds and property of or payable to the Parish or collected or held in connection with matters affecting the Parish as a whole and not being for the use or benefit of or the responsibility of any one Church in the Parish only and not by the trusts under which they are held excluded from such charge or administration".

7. The Principal Ordinance is amended:—

(a) (i) by inserting in subsection (1) of Section 57 after the words "the Archbishop-in-Council" the words "or, if

---

 Sydney, Church Ordinance Amendment Ordinance 1980
 

---

- the Archbishop-in-Council so decides, a Disputes Committee the members of which shall be appointed from time to time by the Archbishop-in-Council and shall hold office for such term and in accordance with such conditions as may be specified by the Archbishop-in-Council and which shall consist of at least three persons of whom at least one shall be a Minister licensed to a Parish and at least one shall be a lay person";
- (ii) by inserting in subsection (2) of Section 57 after the words "Archbishop-in-Council" the words "or, if the Archbishop-in-Council so decides, a Disputes Committee constituted in accordance with subsection (1) of this Section";
- (iii) by omitting from subsection (3) of Section 57 the word "alone";
- (b) by omitting from Section 58 the words "or the Archbishop-in-Council" wherever occurring and by inserting instead the words ", the Archbishop-in-Council or a Disputes Committee";
- (c) by inserting in Section 59 after the words "the Archbishop-in-Council" wherever occurring the words "or a Disputes Committee as the case may be".
8. The Principal Ordinance is amended:—
- (a) (i) by inserting in Section 1 after the matter relating to Part 2 the following matter:—  
 "Part 2A, Proof of Certain Matters . . . ss. 3A, 3B"
- (ii) by inserting in Section 1 before the word "New" where occurring in the matter relating to Part 5 the word "Building";
- (iii) by omitting from the matter relating to Part 15 in Section 1 the figures "61" and by inserting instead the figures "62";
- (b) (i) by inserting after the word "England" wherever occurring in clauses (3), (4), (9) and (10) of Section 3, Sections 3A, 3B, 4, 10, 15, 17, 18, 20, 29, 34, 38 and 45, clause (7) of Section 52 and subclause (v) of subsection (5) of Section 53 the words "in Australia";
- (ii) by inserting after the word "England" where occurring in the heading to Section 3A and Section 3A the words "in Australia";
- (c) by omitting from clause (10) of Section 3 the words "one pound" and by inserting instead the words "two dollars";
- (d) (i) by inserting after clause (11) of Section 3 the following clause:—  
 "(12) a reference to:—
- (a) a person becoming bankrupt includes a reference to his applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, his compounding with his creditors or his making an assignment of his remuneration for their benefit; and
- (b) a person becoming mentally ill includes a refer-

---

*Sydney Church Ordinance Amendment Ordinance 1980*


---

- ence to his becoming a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act.”;
- (ii) by omitting from clause (3) of Section 5, subsection (1) of Section 39 and subsection (1) of Section 46 the word “lunatic” and by inserting instead the words “mentally ill”;
- (e) by omitting from Section 27 the words “one hundred and fifty pounds” wherever occurring and by inserting instead the words “three hundred dollars”;
- (f) by omitting from Section 33 the words “later than the 31st day of March and within thirty-five days after Easter Monday provided that the vestry meeting convened in 1972 and in every subsequent year shall be convened for some date”;
- (g) by omitting from subclause (c) of clause (7) of Section 36A the words “as provided in (b) and (c) of this subparagraph” and by inserting instead the words “in accordance with the resolution pursuant to subclause (b) of this clause”;
- (h) by omitting from Section 38A the matter “(i)” and “(ii)” and by inserting instead the matter “(1)” and “(2)” respectively;
- (i) (i) by inserting in paragraph (iv) of subclause (a) of clause (9) of Section 41 before the matter “(i), (ii) (iii) aforesaid” the word “paragraphs”;
- (ii) by omitting from subclause (aa) of clause (9) of Section 41 the matter “clause 36 or 36A” and by inserting instead the matter “Section 36 or 36A”;
- (iii) by omitting from subclause (c) of clause (9) of Section 41 the words “such statements (i), (ii), (iii), (iv), (v) and (vii) as aforesaid” and by inserting instead the words “the statements referred to in paragraphs (i), (ii), (iii), (iv), (v) and (vii) of sub-clause (a)”;
- (j) (i) by omitting from Section 42 the matter “(a)” and “(b)” and by inserting instead the matter “(1)” and “(2)” respectively;
- (ii) by omitting from Section 42 the matter “Section 36(A)” and by inserting instead the matter “Section 36A”;
- (k) by omitting from Section 44 the matter “Section 36(A)” and by inserting instead the matter “Section 36A”;
- (l) by omitting clause (4) of Section 51 and by inserting instead the following clause:—
- “(4) To pay such amounts as may be required to be paid from time to time by the Parish Council pursuant to the Sydney Diocesan Superannuation Fund Ordinance 1961, as subsequently amended, in respect of the Minister and any other person on or before the respective dates on which those amounts are payable under that Ordinance.”;

---

*Sydney Church Ordinance Amendment Ordinance 1980*

---

- (m) by omitting from Section 56A the word "Clauses" and by inserting instead the word "Sections"; and
  - (n) by omitting from Section 56B the matter "clauses 36A" and by inserting instead the matter "Sections 38A".
9. The Principal Ordinance is amended:—
- (a) by inserting in subsection 8(i) and (ii) of Section 36A after the words "Section 43(2)" the words "or (3)"
  - (b) by inserting at the end of Section 43(2) the following new subsection:—  
"(3) The Annual Vestry Meeting of the Principal Church of a Parish having more than one Church may decide to appoint a Parish Council of three, six or nine members and give to it the rights, powers and duties of a Church Committee, in which case the Parish Council 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."

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

E. D. CAMERON  
Chairman of Committees.

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney this 9th day of October 1980.

R. J. BOMFORD  
W. G. S. GOTLEY  
Secretaries.

I ASSENT to this Ordinance.

M. L. LOANE  
Archbishop of Sydney.

9/10/80.