

Delegation of Powers and Ordinance Procedure Ordinance 1973 Amendment Ordinance 1995

No 30, 1995

An Ordinance to amend the Delegation of Powers and Ordinance Procedure Ordinance 1973.

Now the Synod of the Diocese of Sydney Ordains as follows -

Citation

1. This Ordinance may be cited as the "Delegation of Powers and Ordinance Procedure Ordinance 1973 Amendment Ordinance 1995".

2. In this Ordinance, the "Commencement Date" is the date on which section 26 of the 1917 Act is amended to remove the provision that an ordinance in respect of property held for the sole benefit of a particular parish in the Diocese may not be assented to under the Anglican Church of Australia Constitutions Act 1902 without the consent in writing of a majority of the members of the parish council (if any) for the time being of the parish but providing instead for the Synod to give consent by a majority of not less than two-thirds of the members present and voting on the third reading of the ordinance.

3. With effect from the Commencement Date, the Delegation of Powers and Ordinance Procedure Ordinance 1973 is amended as follows -

(a) After clause 20 the following clauses are inserted -

"Requirements for Parish Consents

21. Notwithstanding the power of delegation under clause 4 of this ordinance, Standing Committee may not exercise any of the powers and functions in section 26 or section 27A of the 1917 Act in respect of church trust property held for the sole benefit of a parish unless the majority of the parish council (if any) for the time being of that parish consents in writing to the exercise of that power or function.

Dispensing with Parish Consents

22. If -

- (a) an application is made for an ordinance to direct the sale or other dealing with church trust property pursuant to section 26 of the 1917 Act;
- (b) the church trust property is held for the sole benefit of a particular parish; and
- (c) the written consent to the passing of the ordinance by the majority of the parish council (if any) for the time being of the parish for whose benefit the church trust property is held has not been given,

then after the procedures set out in this ordinance for the consideration of the proposed ordinance have been followed, Standing Committee, if it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed, shall refer the matter to Synod together with a report giving its reasons why it considers that the proposed ordinance should be passed by Synod.

Voting

23. Any ordinance made under clause 22 must be passed at the third reading by a majority of at least two thirds of the members of the Synod present and voting."

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

P.W. YOUNG
Deputy Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 19 October 1995.

W.G.S. GOTLEY
C.J. MORONEY
Secretaries of Synod

I Assent to this Ordinance.

R.H. GOODHEW
Archbishop of Sydney
23/10/1995