



Delegation of Powers Ordinance 1998

No 57, 1998

An Ordinance to delegate certain powers of the Synod and for incidental matters.

The Synod of the Diocese of Sydney Ordains -

Part 1 - General Matters

Name of Ordinance

1. This Ordinance is the Delegation of Powers Ordinance 1998.

Repeal and Transitional

2. (1) Clause 1 of the Delegation of Powers and Ordinance Procedure Ordinance 1973 is repealed and the following is inserted instead -

"1. This Ordinance is the Ordinance Procedure Ordinance 1973."

(2) Clauses 4, 5, 6 and 7 of, and the Second and Third Schedules to, the Delegation of Powers and Ordinance Procedure Ordinance 1973 are repealed.

(3) Clause 3(2) does not affect or invalidate any ordinance made, or any act done, prior to the commencement of this Ordinance.

Commencement Date

3. This Ordinance commences on the date of assent.

Definitions

4. In this Ordinance -

Archbishop means the Archbishop or any other person who for the time being is authorised to assent to an ordinance of the Synod or the Standing Committee.

Bodies Corporate Act means the Anglican Church of Australia (Bodies Corporate) Act 1938.

Trust Property Act means the Anglican Church of Australia Trust Property Act 1917.

1902 Constitutions means the Constitution set out in the Schedule to the Anglican Church of Australia Constitution Act 1902.

Part 2 - Delegation of Powers

Delegation of Powers

5. (1) During the recess of the Synod, the Standing Committee, in the place of the Synod, may exercise all or any of the powers and functions and do and make such of the things as are referred to in -

(a) the following sections of the Trust Property Act -

Sections 11, 12, 14, 15, 16, 19, 24, 25, 26, 26A, 27, 27A, 32, 32A, 32B and 37; and

(b) the following sections of the Bodies Corporate Act-

Sections 4, 5, 6, 7, 10 and 11; and

(c) subject to Article 7(2) of the 1902 Constitutions, the following articles of the 1902 Constitutions -

Articles 2(1) and 3(2).

(2) Notwithstanding clause 5(1), the Standing Committee may not make an ordinance under section 26 of the Trust Property Act if -

(a) the proposed ordinance relates to church trust property held for the sole benefit of a particular parish; and

(b) the majority of the parish council (if any) for the time being of that parish has not consented in writing to the making of that ordinance.

(3) Any ordinance proposed to be made by the Standing Committee partly or wholly under the powers referred to in clause 5(1) at any stage before the proposed ordinance is assented to -

(a) may be referred to the Synod by the Archbishop; and

(b) must be referred to the Synod by the Archbishop upon the request in writing of any 3 members of the Standing Committee, and, if so referred, assent must be withheld.

Procedures

6. In exercising the powers and functions and doing and making the things referred to in the sections and articles referred to in clause 5(1) the Standing Committee must follow the procedure in the Standing Orders of the Synod and the Ordinance Procedure Ordinance 1973, so far as that procedure can be applied.

Reporting

7. The Standing Committee must report to the Synod from time to time on any exercise of the powers and functions or the doing or making of such of the things as are referred to in the sections and articles referred to in clause 5(1).

Enquiry into proposed Ordinances

8. (1) During the recess of the Synod the Standing Committee may consider any proposed ordinance notwithstanding that leave to introduce the proposed ordinance has or has not been obtained from the Synod.

(2) If -

(a) an application is made for an ordinance to direct the sale or other dealing with church trust property under section 26 of the Trust Property Act;

(b) the church trust property is held for the sole benefit of a particular parish; and

(c) the consent of 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 in writing, then, after so many of the procedures set out in the Ordinance Procedure Ordinance 1973 as can be applied have been followed, the Standing Committee, if it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed, may refer the ordinance to the next ordinary session of the Synod with a report giving its reasons why it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed.

Amendment of the Standing Orders Ordinance 1968

9. The Schedule to the Standing Orders Ordinance 1968 is amended by inserting the following clause after clause 68 -

"68A. If an ordinance proposed to be made by the Standing Committee is referred to the Synod under clause 5(2) of the Delegation of Powers Ordinance 1998 then -

(a) if the proposed ordinance is referred to the Synod before the Standing Committee has passed a motion that the bill be read a first time - consideration of the proposed ordinance by the Synod shall commence with a motion for leave to introduce the ordinance in accordance with Standing Order 64(1); and

(b) if the proposed ordinance is referred to the Synod at any time after the Standing Committee has passed a motion that the bill be read a first time - the Synod shall be taken to have passed a motion that the bill be read a first time and consideration of the proposed ordinance by the Synod shall commence upon a motion that the ordinance be read a second time."

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 15 December 1998.

M.A. PAYNE

C.J. MORONEY

Secretaries of Synod

I Assent to this Ordinance.

R.H. GOODHEW

Archbishop of Sydney

18/12/1998