
Parishes and Provisional Districts Ordinance, 1961

No. 44, 1961.

AN ORDINANCE to amend and consolidate the Ordinances relating to Parishes, Provisional Parishes and Provisional Districts.

WHEREAS the growth and development of the Diocese of Sydney have made it expedient to vary the provisions of the Parishes and Provisional Districts Ordinance of 1925.

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 and rules as follows:-

DEFINITION

1. In this Ordinance "Archbishop" means the Archbishop of Sydney for the time being or a Commissary duly appointed by him or the Administrator of the Diocese as the case may be.

FORMATION OF PROVISIONAL DISTRICT

2. Proposals for the formation of a new Provisional District may be made by the Archbishop in writing in such form as he may think fit or by Petition addressed to the Archbishop by the Minister of any Parish Provisional Parish or Provisional District concerned in the formation or by the Churchwardens of any such Parish Provisional Parish or Provisional District or by twenty persons resident in the proposed new Provisional District and of the age of twenty-one years and upwards and communicants of the Church of England of whom at least one half shall be males.

CONTENTS OF PROPOSALS

3. Every proposal for the formation of a new Provisional District shall contain:-

- (a) A statement setting out the provision proposed to be made for the stipend of its Minister and the Parochial expenses.
- (b) A statement setting out the particulars and value of the Church property in the proposed new Provisional District and the indebtedness if any on account of the same.

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- (c) A statement setting out the estimated number of Church of England families within the proposed new Provisional District.
- (d) A plan showing the boundaries of the proposed new Provisional District the boundaries of the adjoining Parishes Provisional Parishes and Provisional Districts concerned in such formation and the positions of the existing Churches and of any sites proposed for new Churches within such proposed new Provisional District or such adjoining Parishes, Provisional Parishes and Provisional Districts.
- (e) A written description of the boundaries of the proposed new Provisional District.

NOTICE TO PARTIES CONCERNED

4. The Archbishop or the Petitioners as the case may be shall forward a copy of such proposal containing all the matters aforesaid to the Minister of each Parish Provisional Parish or Provisional District concerned in such proposal.

REPORT FROM PARTIES CONCERNED

5. Each Minister to whom the said notice is forwarded shall within one month after receiving such notice or such further period as the Archbishop may authorise in writing consult with the Churchwardens of such Parish or District and with the Parishioners at a Vestry Meeting to be summoned for the purpose in the manner provided by the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same and shall report in writing to the Archbishop his and their reasons for or against such proposal.

REFERENCE TO STANDING COMMITTEE

6. Upon the receipt of such Report or Reports and at least two calendar months before the next ensuing ordinary Session of Synod the Archbishop shall place before the Standing Committee of the Synod all the official documents in his possession relating to such proposal and the Standing Committee may make such enquiries and take such evidence as they think expedient and require the petitioners at their expense to provide a shorthand writer approved by the Standing Committee.

ALTERATIONS TO BE SUBMITTED TO PARTIES CONCERNED

7. The Standing Committee may suggest alterations in such proposals and submit such alterations to the Petitioner or Petitioners and to the Minister of each Parish or District concerned in such proposal.

REPORT THEREON

8. Each Minister to whom such alterations are submitted as aforesaid shall consult with the Churchwardens of his Parish or District and with the Petitioner or Petitioners and shall report to the Standing Committee in writing the reasons for or against the said alterations.

REPORT BY STANDING COMMITTEE TO SYNOD

9. The Standing Committee after such enquiry and consideration as they may think necessary shall report to the Synod at its next ordinary Session their opinion as to the desirability or otherwise of the formation of the new Provisional District and shall cause to be laid upon the table all the official documents relating to such proposal.

ACTION BY SYNOD

10. The Synod shall consider the proposals in Committee of the whole and the assent of the Synod having been obtained such new Provisional District shall thenceforth be recognised as duly formed and the said documents shall be preserved in the Diocesan Registry. Provided that the Minister officiating in a Provisional District shall be directly responsible to the Archbishop and shall not be held to be licensed to a separate cure of souls within the meaning of the Constitutions.

11. Every new Provisional District thus formed shall remain in existence until it is revoked or until its status is raised pursuant to this Ordinance.

SAVING CLAUSE

12. Notwithstanding anything contained in this Ordinance the Archbishop may form a Provisional District in any case of emergency for a period of two years. Such Provisional District may be continued from time to time for such further period or periods as may be

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prescribed in a Resolution or Resolutions of Synod or when Synod is not in Session of the Standing Committee. In every case the Archbishop shall report in writing to the Standing Committee at its next ensuing meeting what has been done. The Minister officiating in a Provisional District thus created shall be subject to the conditions contained in the proviso to Clause 10 hereof. Provided that the formation of a Provisional District whether already formed or hereafter to be formed shall not alter or be deemed to have altered the limits of any Parish in respect of the election of Synod Representatives.

FORMATION OF PROVISIONAL PARISH

13. Proposals for raising a Provisional District to the status of a Provisional Parish may be made by the Archbishop in writing in such form as he may think fit or by Petition addressed to the Archbishop by the Minister or Churchwardens of such Provisional District or by twenty persons resident in such Provisional District and of the age of twenty one years and upwards and communicants of the Church of England of whom at least one half shall be males.

14. Every proposal initiated under Clause 13 hereof shall be accompanied by a copy of the annual financial statements of the Provisional District for the past three years and the procedure prescribed in Clauses 3 to 10 hereof both inclusive shall apply mutatis mutandis. The Minister officiating in a Provisional Parish thus created shall be directly responsible to the Archbishop. Such Provisional Parish shall have representation in the Synod of the Diocese in accordance with Section 1 Sub-section (2) of the "Synod Representative Ordinance 1945-58."

FORMATION OF A PARISH

15. Proposals to form a new Parish may be initiated by following the procedure prescribed in Clause 3 to 10 hereof both inclusive mutatis mutandis or in accordance with the terms of Clause 13 hereof substituting if necessary the words "Provisional Parish" for "Provisional District" and by substituting "Parish" for "Provisional Parish" wherever occurring.

16. In any case the procedure prescribed in Clauses 3 to 10 both inclusive and Clause 14 hereof shall apply to every proposal initiated under Clause 15 hereof mutatis mutandis.

PROVIDED that no further actions under this Ordinance shall be taken in the case of a proposal to advance a Provisional Parish

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or Provisional District to the status of a Parish unless the Standing Committee is satisfied.

1. That at least the minimum stipend last recommended by the Synod has been provided for the Minister from local sources and exclusive of any diocesan grant together with an adequate allowance for travelling expenses.
2. That the following buildings are provided on Church Trust Property namely :-
 - (i) A residence for the Minister.
 - (ii) A Church or Churches with seating accommodation in the aggregate for at least 250 persons.
 - (iii) A Parish Hall for Sunday School and other parochial activities.
3. That the proposed parish is in a sound financial condition and that adequate provision for the liquidation of any parochial debts has been made.

REVOCATION OF PARISH OR DISTRICT

17. (1) A proposal for the revocation of a Parish or a Provisional Parish may be made during the vacancy of the cure in the same way as a proposal for the formation of a Parish hereinbefore provided (so far as the same may be applicable) and upon the assent of the Synod being obtained the same shall forthwith take effect.

Provided that when Synod is not in Session the Standing Committee may consider such proposal and declare a Parish or Provisional Parish to be revoked provisionally until the next ordinary Session of Synod. The Synod in Committee of the whole shall consider the report of and the action taken by the Standing Committee and upon the assent of the Synod having been obtained the Parish shall thenceforth be revoked.

- (2) A proposal for the revocation of a Provisional District formed under this Ordinance may be made at any time in the same way as a proposal for the revocation of a Parish and shall be considered and dealt with in a similar manner.

- (3) Any resolution of Synod or Standing Committee revoking a Parish or Provisional Parish shall specify the new ecclesiastical status of such Parish or Provisional Parish after such revocation is to take effect. In the event of a Parish Provisional Parish or Provisional District being revoked without its separate ecclesiastical status being retained, such resolution shall define the manner in which its territory shall be assigned to one or more of the adjoining Parishes Provisional Parishes or Provisional Districts.
- (4) While a Parish or Provisional Parish is provisionally revoked, any Minister appointed to it shall have the status of a Minister in Charge of a Provisional District.

ALTERATION OF BOUNDARIES

18. If and when it shall be deemed expedient to define or alter the boundaries of Parishes Provisional Parishes and Provisional Districts without forming a new Parish Provisional Parish or Provisional District the procedure hereinbefore provided for the case of the formation of a Provisional District shall be followed mutatis mutandis and the assent of the Synod having been obtained such definition or alteration of boundaries shall forthwith take effect.

Provided that if as a matter of urgency it shall be deemed expedient to define or alter the boundaries of any Parish Provisional Parish or Provisional District without forming a new Parish Provisional Parish or Provisional District the Archbishop may send a notice to the Minister of each Parish Provisional Parish or Provisional District concerned setting out the proposals to define or alter such boundaries and each Minister or Ministers as the case may be to whom the said notice is forwarded shall act in accordance with Clause 5 hereof.

If and when the Archbishop receives approval of the proposals from all the parties concerned he may submit the matter to the Archbishop in Council who may give consent to such proposals and thereupon the same shall forthwith take effect.

OMISSIONS OR IRREGULARITY IN PROCEDURE

19. No omission and no irregularity in following the procedure or any part of the procedure hereinbefore provided shall prejudice the validity or effect of any assent obtained from Synod under this Ordinance.

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REPEAL

20. The Parishes and Provisional Districts Ordinance of 1925 and the Ordinances amending the same are hereby repealed but such repeal shall not invalidate anything done under the said Ordinances or any fo them and all de facto Parishes and Provisional Parishes existing at the date of the passing of this ordinance shall be deemed to have been validly formed and the provisions of this Ordinance shall be applicable to them.

SHORT TITLE

21. This Ordinance may be cited as the "Parishes and Provisional Districts Ordinance, 1961."

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

ATHOL R. RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 20th day of October, 1961.

K. N. SHELLEY
W. L. J. HUTCHISON } Secretaries of Synod

I assent to this Ordinance.

HUGH SYDNEY,

Archbishop of Sydney

20/10/1961