

Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995

No 32, 1995

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An Ordinance to amend certain ordinances following the passing of the Regions Ordinance 1995 and for other matters.

Whereas -

A. It is expedient to amend and repeal certain ordinances following the passing of the Regions Ordinance 1995.

B. Certain property, being church trust property, is held on trust for the purposes of the Parramatta Anglican Regional Council, the Wollongong Anglican Regional Council, the Inner City Committee, and the Marrickville Area Deanery Committee.

C. By reason of circumstances which have arisen after the creation of the trusts on which the property referred to in recital B is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner specified in this Ordinance.

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

Part 1 - Introduction

Citation

1. This Ordinance may be cited as the "Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995".

Definitions

2. In this Ordinance -

"Inner City Committee" means the Inner City Committee constituted under the Inner City Ordinance 1972.

"PARC" means the Parramatta Anglican Regional Council constituted under the Parramatta Anglican Regional Council Ordinance 1971.

"Principal Ordinance" means the Regions Ordinance 1995."property" means property both real and personal.

"Region" has the same meaning as in the Principal Ordinance.

"Regional Council" means the Council of a Region constituted by the Principal Ordinance.

"WARC" means the Wollongong Anglican Regional Council constituted under the Wollongong Anglican Regional Council Ordinance 1972.

Commencement Dates

3. The Principal Ordinance and Parts 2 to 5 inclusive of this Ordinance (other than Clause 20A) commence on the first day of the first session of the 44th Synod of the Diocese of Sydney.

Confirmation of Existing Regions

4. Subject to the Principal Ordinance, the existence of the following Regions is confirmed, with the same boundaries as the Episcopal Areas of the same names at the date this clause commences -

**Georges River
North Sydney
Parramatta
South Sydney
Wollongong**

Names of Regional Councils

5. Subject to the Principal Ordinance, the Regional Councils of the Regions referred to in clause 4 are to have the following names-

**Georges River Regional Council
North Sydney Regional Council
Parramatta Regional Council
South Sydney Regional Council
Wollongong Regional Council.**

Part 2 - Declaration of Vacancies

Declaration of Vacancies

6. The membership of each of the following organisations is declared vacant -

**Inner City Committee
Marrickville Area Deanery Committee
Parramatta Anglican Regional Council
Wollongong Anglican Regional Council.**

7. A Canon of a Provisional Cathedral retains his title until he would have retired from that office.

Part 3 - Repeal of Ordinances

Repeal of Ordinances

8. The following ordinances are repealed -

**Inner City Committee Ordinance 1969
Marrickville Area Deanery Ordinance 1984
Parramatta Anglican Regional Council Ordinance 1975
Wollongong Anglican Regional Council Ordinance 1972.**

9. The following ordinances are repealed with effect from 1 January 2000 -

**St John's Provisional Cathedral Parramatta Ordinance 1969
St Michael's Provisional Cathedral Wollongong Ordinance 1969**

Part 4 - Amendments to other Ordinances

Amendment of the Accounts Ordinance 1975

10. The First Schedule of the Accounts Ordinance 1975 is amended -

(a) by deleting the names of the following organisations -

**Inner City Committee
Marrickville Area Deanery Committee
Parramatta Anglican Regional Council
Wollongong Anglican Regional Council; and**

(b) by inserting the following names in alphabetical order -

**Georges River Regional Council
North Sydney Regional Council
Parramatta Regional Council
South Sydney Regional Council
Wollongong Regional Council.**

11. Each body specified in a paragraph in section A of the following Table must prepare, and have audited, accounts for the body specified in the corresponding paragraph in section B for the period commencing on 1 January 1996 and ending on the date on which this Part commences.

Table

Section A

**(a) Parramatta Regional Council
(b) Wollongong Regional Council
(c) South Sydney Regional Council
(d) Georges River Regional Council**

Section B

**(a) PARC
(b) WARC
(c) Inner City Committee
(d) Marrickville Area Deanery Committee**

Amendment of the Assessment Authorisation Ordinance 1975

12. Clause 3(vii) of the Assessment Authorisation Ordinance 1975 is amended by deleting the matter "Parramatta Anglican Regional Council, the Wollongong Anglican Regional Council" and by inserting the following instead -

"the Regional Council of the Region in which the parochial unit is situated".

Amendment of the Church Administration Ordinance 1990

13. The Church Administration Ordinance 1990 is amended in the following manner -

(a) subclause 48(2) is deleted and the following is inserted instead -

"In Part 9, the functions conferred on the Archbishop are to be exercised in a Region by the Regional Bishop.";

(b) paragraphs (a) and (b) of subclause 49(1) are deleted and the following is inserted instead -

"in a Region by the Regional Bishop on the advice of the Regional Council".

(c) in clause 50 the words "the Bishop of Parramatta on the advice of the Parramatta Anglican Regional Council and of the Bishop of Wollongong on the advice of the Wollongong Regional Council" are deleted and the following is inserted instead -

"the Regional Bishop on the advice of the Regional Council".

14. Clause 50 of the Church Administration Ordinance 1990 continues to apply to any act of the Bishop of Parramatta or the Bishop of Wollongong done before the commencement of this Part as if that clause had not been amended by clause 13.

15. Any permission given by the Bishop of Parramatta in Council or the Bishop of Wollongong in Council under clause 16 or clause 30(4) of the Church Administration Ordinance 1990 before the commencement of this Part continues to have effect until varied or discontinued by a Regional Council.

Amendment of the Church Grounds and Buildings Ordinance 1990

16. The Church Grounds and Buildings Ordinance 1990 is amended in the following manner -

(a) in subclause 4(1) the words "episcopal area" are deleted and the word "Region" is inserted instead;

(b) in subclause 5(4) the words "Assistant Bishop or Archdeacon of the area" are deleted and the words "Regional Bishop or the Archdeacon of the Region" are inserted instead; and

(c) a new subclause 8(3) is inserted in the following terms -

"(3) The Regional Bishop may have occasional use of any church in his Region for any of the purposes listed in subclause (1)."

Amendment of the Interpretation Ordinance 1985

17. The Interpretation Ordinance 1985 is amended in the following manner -

(a) in the Schedule the definitions of "PARC" and "WARC" are deleted; and

(b) in the Schedule the following definitions are inserted in alphabetic order -

"Assistant Bishop - A person who holds the office of an assistant bishop in the Diocese.

Region - A part of the Diocese designated as a Region under the Regions Ordinance 1995.

Regional Bishop - An Assistant Bishop who has the episcopal oversight of a Region or where the Archbishop has the episcopal oversight of a region, the Archbishop.

Regional Council - The council of a Region constituted under the Regions Ordinance 1995."

Amendment of the Parishes Ordinance 1979

18. The Parishes Ordinance 1979 is amended in the following manner -

(a) subclause 1(2) is deleted and the following is inserted instead-

"(2) Subject to subclauses (3) and (4), in all matters affecting an ecclesiastical district within a Region, 'Archbishop-in-Council' means the Regional Bishop of that Region acting on the advice of the Regional Council and 'Standing Committee' means the Regional Council of that Region."

(b) subclause 1(3) is deleted and the following is inserted instead -

"(3) Where, but for this subclause, this ordinance in relation to a matter, confers any jurisdiction or imposes any obligation on -

(a) the Archbishop and any one or more of the Regional Bishops; or

(b) any 2 or more of the Regional Bishops,

then the jurisdiction must be exercised or those obligations performed by the Archbishop or by whichever of those Regional Bishops the Archbishop may nominate.";

(c) subclause 1(4) is deleted and the following is inserted instead -

"(4) Where, but for this subclause, this ordinance, in relation to any matter confers any jurisdiction or imposes any obligation on any 2 or more of -

(a) the Standing Committee and any one or more of the Regional Councils; or

(b) any 2 or more of the Regional Councils,

then that jurisdiction may be exercised or those obligations performed by the Standing Committee or by whichever of those Regional Councils the Standing Committee may nominate.";

(d) in paragraph 4(6)(c) the words "Assistant Bishop" are deleted and are replaced with the words "Regional Bishop".

Amendment of the Presentation and Exchange Ordinance 1988

19. The Presentation and Exchange Ordinance 1988 is amended in the following manner -

(a) in paragraph 4(1)(a) and subclauses 21(4), 22(1) and 22(4) the words "the assistant bishop exercising episcopal duties over the area of the Diocese" are deleted wherever occurring and the following words are inserted instead -

"the Regional Bishop of the Region";

(b) in subclause 11(3), the words "Archbishop-in-Council may direct in writing under the hand of the Diocesan Secretary" are deleted and the following words are inserted instead -

"Regional Bishop of the Region in which the parish is situated, acting on the advice of his Regional Council, may direct,"; and

(c) in paragraph 11(3)(a) the words "Archbishop-in-Council" are deleted and the following words are inserted instead -

"Regional Bishop-in-Council".

Amendment of the Standing Committee Ordinance 1897

20. Subclause 4(5) of the Standing Committee Ordinance 1897 is amended by deleting the matter "PARC, WARC" and by inserting instead the words "a Regional Council".

Amendment of the Elections Ordinance 1970

20A. The Elections Ordinance 1970 is amended as follows -

(a) in clause 2 omit "28" and insert "56"; and

(b) at the end of clause 6 insert the following words -

"or which is to take place by postal ballot before that session."

(c) after clause 37 the following new clause 37A is inserted-

"37A (1) For the purposes of conducting the elections for the persons referred to in paragraphs 1A(1)(b) and (c) of the Standing Committee Ordinance 1897 the provisions of this Ordinance apply subject to the following amendments -

(a) a nomination may be accompanied by a precis of the nominee in accordance with clause 14A(1);

(b) if the nominations of persons for any election do not exceed the number of persons required to be elected, the Secretaries must inform the Returning Officer and the Archbishop who must, by written notice to each member of the Synod, declare the persons nominated to be duly elected;

(c) if the nominations of persons for any election exceed the number of persons required to be elected then the election must be conducted by postal ballot in accordance with the rules in subclause (2).

(2) The rules for the conduct of the postal ballot are -

(a) the ballot will take place on that day (the "Ballot Day") which is 28 days before the first day of the session but if that day is a Saturday, Sunday or public holiday, the ballot will take place on the next day which is not a Saturday, Sunday or public holiday;

(b) the place and time of the ballot shall be determined by the Standing Committee;

(c) not less than 35 days prior to the first day of the session, the Secretaries must cause to be posted to each member of the Synod -

(i) notice of the date, time and place of the ballot;

(ii) a list of the names of the persons nominated, their designations and addresses and names of the proposers and seconders and the positions for which they are nominated;

(iii) the precis of nominees;

(iv) an envelope endorsed "ballot paper";

(v) a certificate to be signed by the elector in the form which may be prescribed from time to time by regulation authorising the Returning Officer to place the sealed envelope containing the elector's ballot paper in the ballot box on the elector's behalf;

(vi) a ballot paper in or to the effect of the form prescribed by regulation; and

(vii) an envelope addressed to the Returning Officer,

(d) a member of the Synod desiring to record his or her vote must complete the ballot paper in accordance with clause 18, seal the ballot paper in the envelope endorsed "ballot paper", enclose the envelope together with the signed certificate in the envelope provided and forward the envelope to the Returning Officer or hand it to him at the place and during the hours of the ballot;

(e) all envelopes duly received by the Returning Officer prior to the closing of the ballot must be opened by him. The Returning Officer shall retain the signed certificates until the conclusion of the election and must place the envelopes endorsed "ballot paper" in a ballot box.

(3) As soon as convenient after receiving the report from the Returning Officer for the ballot under clause 23, the President must declare the persons elected to be so elected and post to each member of the Synod a copy of the Returning Officer's Report referred to in paragraph 23(b).

(4) An application for a recount under clause 26 must be made within 4 business days after the date upon which the notices referred to in subclause (3) are posted. Upon receipt of an application for a recount the Secretaries or one of them must forthwith notify the President in writing.

(5) If a person is elected to the Standing Committee as a member under paragraph 1A(1)(b) or (c) of the Standing Committee Ordinance 1897 and is also nominated for election as a member under paragraph 1A(1)(d) or (e) of that ordinance, then for the purposes of the last mentioned election the person is to be taken not to have been nominated.

(6) This clause ceases to have effect on the last day of the first session of the 44th Synod but without invalidating any election held in accordance with its provisions prior to that date."

Part 5 - Variation of Trusts of Property

Declarations of Inexpediency

21. By reason of circumstances which arose after the creation of the trusts on which the property referred to in clauses 22, 23, 24 and 25 are respectively held, it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply that property for the same or like purposes as the trusts on which such property is held.

PARC Property

22. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of PARC on the date on which this Part commences shall be thereafter held on trust for such purposes of the Parramatta Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of PARC under any arrangement, contract, agreement or trust, shall be assumed by the Parramatta Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of PARC thereunder.

(3) The members of PARC shall be indemnified from the property referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of PARC.

WARC Property

23. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of WARC on the date on which this Part commences shall be thereafter held on trust for such purposes of the Wollongong Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of WARC under any arrangement, contract, agreement or trust, shall be assumed by the Wollongong Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of WARC thereunder.

(3) The members of WARC shall be indemnified from the property referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of WARC.

Inner City Committee Property

24. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of the Inner City Committee on the date on which this Part commences shall be thereafter held on trust for such purposes of the South Sydney Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of Inner City Committee under any arrangement, contract, agreement or trust, shall be assumed by the South Sydney Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of Inner City Committee thereunder.

(3) The members of the Inner City Committee shall be indemnified from the assets referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of that Committee.

Marrickville Area Deanery Property

25. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of the Marrickville Area Deanery or the Marrickville Area Deanery Committee on the date on which this Part commences shall be thereafter held on trust for such purposes of the Georges River Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of the Marrickville Area Deanery Committee under any arrangement, contract agreement or trust shall be assumed by the Georges River Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of the Marrickville Area Deanery Committee thereunder.

(3) The members of the Marrickville Area Deanery Committee shall be indemnified from the assets referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of that Committee.

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

N.M. CAMERON
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

I Assent to this Ordinance.

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