

Miscellaneous Amendments Ordinance (No 2) 1991

No 40, 1991

An Ordinance to carry out certain law reforms.

Whereas it is expedient to amend certain ordinances.

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

Church Grounds and Buildings Ordinance 1990

1. Clause 6 of the Church Grounds and Buildings Ordinance 1990 is amended -

- (a) by omitting from subclause (3) the matter "subclause (5)" and by inserting instead the matter "subclause (4)";
- (b) by omitting subclause (4);
- (c) by omitting from subclause (6) the words "subclause (5) (unless revoked under subclause (4))" and by inserting instead the words "subclause (4) (unless revoked under clause 11(3)); and
- (d) by renumbering subclauses (5), (6) and (7) as (4), (5) and (6), respectively.

2. Clause 11 of the Church Grounds and Buildings Ordinance 1990 is amended -

- (a) by omitting from the end of paragraph (f) of subclause (2) the word "and";
- (b) by omitting from the end of paragraph (g) of subclause (2) the matter "." and by inserting instead the matter "; and";
- (c) by inserting the following new paragraph after paragraph (g) of subclause (2) -
"(h) the consent in writing of the minister (if any) of the parish in which the church is situated.;"
- (d) by inserting in subclause (3) after the words "the licence" the words "or sentence of consecration"; and
- (e) by inserting the following new subclause after subclause (3) -
"(4) A parish council of a parish or a church committee of a church may initiate a proposal for the revocation of the licence or sentence of consecration of a church in accordance with the procedure in subclause (1)."

3. Clause 13 of the Church Grounds and Buildings Ordinance 1990 and the heading to part 6 are amended -

- (a) by omitting from the heading the words "TRUSTEES OBLIGATIONS" and by inserting instead the words "PRIVATE TRUSTEES";
- (b) by inserting the matter "(1)" after the clause number; and
- (c) by inserting the following new subclauses at the end of the clause -

"(2) A person who is proposed or nominated for election or appointment as a trustee of property held upon trust for a parish of property held upon trust for a parish or church must make the following declaration -

'I am a member of the Anglican Church of Australia.

I am not less than 18 years of age.

Dated this day of 19 .

(3) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this clause -

- (a) within 7 days before the person's election or appointment; or
- (b) within 7 days after the person's election or appointment.

(4) Any trustee who -

- (a) has been absent from the State for more than 12 successive months or from more than 3 successive meetings of the trustees without the consent of his or her co-trustees or the sanction of the Archbishop;
- (b) has neglected or refused to execute a declaration of trusts or to act within the trusts or to furnish any account called for under this clause;
- (c) has become bankrupt or mentally ill; or
- (d) has in the opinion of the Archbishop-in-Council become incapable or unworthy of acting;
may be removed from office by the Archbishop-in-Council.

(5) The names, occupations and residential addresses of all trustees (other than the Property Trust) and a description of the property held by them must be recorded by the Registrar of the Diocese."

Church Administration Ordinance 1990

4. Clause 3 of the Church Administration Ordinance 1990 is amended by inserting the following sentence at the end of the clause -

"A vestry meeting of a parish may be convened at any time for the consideration of any business connected with the parish."

5. The Church Administration Ordinance 1990 is amended -

- (a) by inserting the matter "(1)" after the number to clause 11;
- (b) by inserting the following new subclause at the end of clause 11 -

"(2) If the number of members elected to the parish council at the annual vestry meeting is less than the number resolved under subclause (1)(k)(i), the unfilled positions may be filled by the appointment of qualified persons by the parish council."

- (c) by inserting the matter "(1)" after the number to clause 12;
- (d) by inserting the following new subclause at the end of clause 12 -

"(2) If the number of members elected to the church committee at the annual vestry meeting is less than the number resolved under subclause (1)(k)(i), the unfilled positions may be filled by the appointment of qualified persons by the church committee."
- (e) by omitting from subclause (2) of clause 15 the words "elected as members of the parish council or church committee at the annual vestry meeting" and by inserting instead the words "determined by the annual vestry meeting to be elected or appointed as members of the parish council or church committee."
- (f) by omitting from clause 33 the words "in accordance with clause 11(k) or 12(k)" and by inserting instead the words "or appointed in accordance with clause 11(1)(k) or (2) or clause 12(1)(k) or (2), as the case may be".

6. Clause 14 of the Church Administration Ordinance 1990 is amended -

- (a) by inserting the following sentence at the end of paragraph (a) -

"A person making a nomination must be present at the meeting."; and
- (b) by omitting from paragraph (c) the words "may vote for not more" and by inserting the words "must not vote for more nor less".

7. Clause 20 of the Church Administration Ordinance 1990 is amended by inserting the following new subclause after subclause (2) -

"(3) The churchwardens may arrange for a person or persons to perform any one or more of the functions referred to in paragraphs (c), (d), (e) and (f) of subclause (1) from time to time on behalf of the churchwardens. An arrangement made under this subclause does not limit the powers or the delegations of the churchwardens under clauses 41 and 42 nor does it have the effect of removing from the churchwardens or any of them, their, his or her responsibility for the charge and administration of any funds or property of the church."

8. Clause 22 of the Church Administration Ordinance 1990 is amended by inserting the following subclause after subclause (4) -

"(5) With the approval of the Archbishop, a person who is a churchwarden of a church may be elected as a churchwarden of another church of which that person is not a parishioner."

9. Clause 29 of the Church Administration Ordinance 1990 is amended -

- (a) by inserting the matter "(1)" after the number to clause 29; and
- (b) by inserting the following new subclause at the end of clause 29 -

"(2) A church committee may make donations for patriotic or charitable purposes or for the purposes of a christian missionary society, whether local or foreign, Anglican or non-Anglican".

10. Subclause 35 (1) of the Church Administration Ordinance 1990 is amended -

- (a) by deleting the matter "." at the end of paragraph (c) and by inserting instead the matter "; or"; and
- (b) by inserting the following new paragraph after paragraph (c) -
"(d) in the case of an elected or appointed member, on the member's appointment as a churchwarden."

Trustees and Glebe Lands Ordinance 1912

11. The Trustees and Glebe Lands Ordinance 1912 is amended -

- (a) by omitting from clause 1 the words "Trustees and"; and
- (b) by omitting clauses 4, 5 and 9.

Citation

12. This Ordinance may be cited as the "Miscellaneous Amendments Ordinance No. 2 1991".

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

E.D. CAMERON
Deputy Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on this 14th day of October 1991.

G.K. CLIFTON
W.G.S. GOTLEY
Secretaries of Synod

I Assent to this Ordinance.

DONALD ROBINSON
Archbishop of Sydney

14/10/1991