
Parishes Ordinance 1979

No. 42, 1979

AN ORDINANCE to govern the creation and revocation of ecclesiastical districts in the Diocese of Sydney.

WHEREAS it is expedient for the provisions relating to the creation and revocation of ecclesiastical districts in the Diocese of Sydney to be simplified and amended NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:—

DEFINITIONS

1. (1) For the purposes of this ordinance:—
 - (a) "Archbishop" means the Archbishop of Sydney for the time being, any Commissary duly appointed by him or any Administrator of the Diocese,
 - (b) except where otherwise provided by sub-clauses (2) and (3) of this clause "Archbishop-in-Council" means the Archbishop acting on the advice of Standing Committee,
 - (c) except where otherwise provided by sub-clauses (2) and (3) of this clause "Standing Committee" means the committee constituted under that name by the Standing Committee Ordinance 1897-1948,
 - (d) "former ordinance" means the Parishes and Provisional Districts Ordinance 1961-1976,
 - (e) "ecclesiastical district" means:
 - (i) every parish, provisional parish, provisional district, new housing district and other ecclesiastical district constituted under or recognised as such for the purposes of the former ordinance, and
 - (ii) every parish and provisional parish constituted under or recognised as such for the purposes of this ordinance,
 - (f) "parish council" means the body of persons, who are or exercise the powers of a parish council under the provisions of the Sydney Church Ordinance 1912 (as amended),
 - (g) "financial year" means a period of twelve calendar months beginning on the 1st of January -- the first such period being that beginning on the 1st of January 1980, and
 - (h) "local revenues" in relation to an ecclesiastical district means all moneys received for the benefit of that ecclesiastical district but does not include either income from property or moneys given to the ecclesiastical district by any body corporate or organisation created or regulated by an ordinance of the Synod or the Standing Committee.
- (2) Subject to sub-clause (4), in all matters affecting an ecclesiastical district which is wholly within the region in which the Bishop in Parramatta exercises episcopal oversight, "Archbishop-in-Council" shall mean the Bishop in Parramatta acting on the advice of the Parramatta Anglican Regional Council and "Standing Committee" shall mean the Parramatta Anglican Regional Council.
- (3) Subject to sub-clause (4), in all matters affecting an ecclesiastical district which is wholly within the zone over which the Bishop in Wollongong exercises episcopal oversight, "Archbishop-

Parishes Ordinance 1979

in-Council" shall mean the Bishop in Wollongong acting on the advice of the Wollongong Zone Council and "Standing Committee" shall mean the Wollongong Zone Council.

(4) Where, but for this sub-clause, this ordinance, in relation to a matter, confers any jurisdiction or imposes any obligation on any two or more of

- (a) the Archbishop,
- (b) the Bishop referred to in sub-clause (2),
- (c) the Bishop referred to in sub-clause (3),

then that jurisdiction shall be exercised or those obligations shall be performed by the Archbishop or by whichever of the said Bishops the Archbishop may nominate and where, but for this sub-clause, this ordinance, in relation to a matter, confers any jurisdiction or imposes any obligation on any two or more of

- (i) the Standing Committee,
- (ii) the Council referred to in sub-clause (2),
- (iii) the Council referred to in sub-clause (3),

then that jurisdiction shall be exercised or those obligations shall be performed by the Standing Committee or by whichever of the said Councils the Standing Committee, by resolution, may nominate.

(5) The headings in this ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of this ordinance in any way.

(6) This ordinance may be cited as "Parishes Ordinance 1979".

TRANSITIONAL PROVISIONS

2. (1) The provisions of this ordinance shall take effect on and from 1st of December 1979.

(2) On the date of commencement of this ordinance the provision of the former ordinance shall cease to have any effect except insofar as it relates to new housing districts and to the formation of a new housing district.

3. (1) Every ecclesiastical district being, immediately before the date of commencement of this ordinance, a provisional district under the former ordinance shall be a provisional parish for the purposes of this ordinance.

(2) Every ecclesiastical district being, immediately before the date of commencement of this ordinance, a provisional parish under the provisions of the former ordinance shall, on and from the 31st of May 1980, be a parish for the purposes of this ordinance unless:—

- (a) the Minister licensed thereto or in charge thereof by virtue of an appointment made pursuant to clause 55 of the Sydney Church Ordinance 1912 (as amended) notifies the Archbishop, by writing, before the date of the annual vestry meeting of that ecclesiastical district in 1980 and notifies the persons present at that vestry meeting that he desires that the ecclesiastical district remain a provisional parish for the purposes of this ordinance, and
- (b) the following resolution is put to and passed by such meeting, namely:—

"That this provisional parish remain a provisional parish under the Parishes Ordinance 1979", and

Parishes Ordinance 1979

(c) written notification of such resolution being passed is given to the Archbishop before the 31st of May 1980, in which event that ecclesiastical district shall be a provisional parish for the purposes of this ordinance. The business of that vestry meeting shall include the consideration of the said resolution.

(3) Every ecclesiastical district being, immediately before the date of commencement of this ordinance, a parish under the former ordinance shall be a parish for the purposes of this ordinance.

(4) If any dispute shall arise as to the classification of any ecclesiastical district under this ordinance, such dispute shall be determined by the Archbishop-in-Council whose decision, when given, shall be final and binding.

(5) For the purpose of the Diocesan Income and Expenditure Ordinance 1979 it shall be assumed that no change is made in the classification of any ecclesiastical district by virtue of this clause until the 31st of December 1980 but this sub-clause shall not limit the discretion conferred on the Standing Committee by clause 8(2) of the Assessment Authorisation Ordinance 1975 in any case other than a change made pursuant to this clause.

PROPOSAL TO CHANGE CLASSIFICATION

4. (1) A proposal:—
- (a) to form a new ecclesiastical district, other than a new housing district,
 - (b) to change a provisional parish to a parish,
 - (c) to change a parish to a provisional parish other than pursuant to clause 8 of this ordinance, or
 - (d) to revoke an ecclesiastical district,
- may be made:—
- (i) by the Archbishop,
 - (ii) by the Minister (if any) licensed to the ecclesiastical district to which such proposal relates,
 - (iii) by the churchwardens (if any) of any church within the ecclesiastical district to which such proposal relates, or
 - (iv) by twenty persons resident in the ecclesiastical district to which the proposal relates being persons of at least eighteen years of age, members of the Church of England in Australia (in the case of a proposal under paragraph (a) of this sub-clause) or (in any other case) twenty persons being persons entitled to take part in a vestry meeting held in the ecclesiastical district to which the proposal relates.
- (2) Every proposal under sub-clause (1) of this clause shall be in writing.
- (3) Every proposal under paragraph (a) of sub-clause (1) of this clause shall contain:—
- (a) a description of the boundaries of the proposed ecclesiastical district and a plan on which the boundaries of the proposed ecclesiastical district are shown,
 - (b) a plan indicating the boundaries of all ecclesiastical districts from which territory shall be taken to form the proposed ecclesiastical district,

Parishes Ordinance 1979

- (c) particulars of all church trust property then or which will be held in trust for the proposed ecclesiastical district, an estimate of value of the items thereof and particulars of all moneys owing on or in connection with the acquisition of the same,
- (d) an estimate of the number of families and single persons residing within the boundaries of the proposed ecclesiastical district claiming adherence to the Church of England in Australia,
- (e) where possible, an estimate of the number of persons residing within the boundaries of the proposed ecclesiastical district who may be expected to become members of any congregation established within the proposed ecclesiastical district, and
- (f) a name for such proposed ecclesiastical district,

and shall be signed by the person or persons making the same and, except where made by the Archbishop, shall be presented to the Archbishop by the person or persons making the same.

(4) Every proposal under paragraphs (b), (c) or (d) of sub-clause (1) of this clause shall contain:—

- (a) particulars of all church trust property held in trust for the ecclesiastical district to which such proposal relates,
- (b) an estimate of the number of families and single persons residing within such ecclesiastical district claiming adherence to the Church of England in Australia,
- (c) an estimate of the number of persons who are members of the congregation or congregations within such ecclesiastical district and who regularly meet for worship within the boundaries of such ecclesiastical district, and
- (d) a summary of the financial standing of such ecclesiastical district,

and shall be signed by the person or persons making the same and, except where made by the Archbishop, shall be presented to the Archbishop by the person or persons making the same.

(5) Every proposal under paragraph (d) of sub-clause (1) of this clause shall also indicate by means of a plan and a description the ecclesiastical district or districts to which the territory comprised in the ecclesiastical district proposed to be revoked shall be assigned upon such revocation.

(6) The Archbishop shall send or cause to be sent a copy of every proposal under paragraph (a) of sub-clause (1) of this clause to:—

- (a) the Minister licensed to each ecclesiastical district from which territory shall be taken to form the proposed ecclesiastical district,
- (b) the Minister licensed to each ecclesiastical district which will adjoin the proposed ecclesiastical district but from which territory shall not be taken to form the proposed ecclesiastical district,
- (c) the Assistant Bishop and Archdeacon within whose region the ecclesiastical district lies, and
- (d) the Rural Dean of the Rural Deanery within which the proposed ecclesiastical district will be situated.

Parishes Ordinance 1979

(7) Every Minister to whom such a proposal is referred pursuant to paragraph (a) or (b) of sub-clause (6), within one month after receiving the copy of the proposal or within such further time as the Archbishop may authorise in writing sent to the Minister, shall consult:—

(a) with the churchwardens (if any) of every church building in the ecclesiastical district to which he is licensed or of which he is in charge, and

(b) in the case of a Minister to whom the proposal is referred pursuant to paragraph (a) of sub-clause (6), with those persons present at a vestry meeting convened by him and the said churchwardens for that purpose in accordance with the Sydney Church Ordinance 1912 (as amended),

and shall send to the Archbishop a written report as to the reasons for or against such proposal offered by the said churchwardens, by the said vestry meeting (in the case of a proposal referred pursuant to paragraph (a) of sub-clause (6)) and by him. Any such report received after three months of the date on which a copy of the proposal is sent to such Minister and any representations made by the Rural Dean after three months of the date on which the proposal is sent to him may be disregarded and shall not prevent effect being given under this ordinance, to any proposal.

(8) In sub-clauses (6) and (7), the word "Minister" includes any person appointed pursuant to clause 55 of the Sydney Church Ordinance 1912 (as amended).

(9) The Archbishop shall send to the Secretary of the Standing Committee a copy of every proposal under sub-clause (1) of this clause and such report (if any) made pursuant to sub-clause (7) of this clause and of any representations made by the Rural Dean.

5. (1) The Standing Committee shall investigate every proposal and consider the terms of any report and representations sent to its Secretary pursuant to clause 4.

(2) Subject to clause 6, every proposal, report and representation sent to the Standing Committee pursuant to clause 4 shall be laid before the Synod at its next ordinary session together with:—

(a) particulars of any amendments or modifications recommended by the Standing Committee, and

(b) a report by the Standing Committee as to the desirability or otherwise of giving effect to such a proposal,

provided that, where such proposal is received by the Standing Committee less than three months prior to the first day of an ordinary session of a Synod, such proposal, if the Standing Committee so resolves, may be laid instead before the next ordinary session of that Synod or, if there is no further ordinary session of that Synod, then before the first ordinary session of the next Synod.

(3) The Synod shall consider any such proposal laid before it. Upon the assent of the Synod being given by resolution to such proposal (with or without amendments) such proposal, as amended (if at all), shall be deemed to have been effected on the date on which such assent is given or on such other date (if any) as may be specified in the resolution.

(4) After such a proposal has been effected, the Standing Committee shall consider and may give directions as to the arrangements

Parishes Ordinance 1979

to be made in relation to all church trust property affected by such change.

6. No proposal to change a provisional parish to a parish shall be laid before the Synod by the Standing Committee unless the Standing Committee is satisfied that:—

- (a) a stipend, being not less than the minimum stipend last recommended by the Synod for the rector of a parish, together with an adequate allowance for travelling expenses, has been paid from local revenues to the Minister thereof during the financial year preceding the date on which such proposal is received by the Standing Committee,
- (b) all assessments payable by the provisional parish pursuant to the General Assessment Authorisation Ordinance 1959 and the Special Purposes Assessment Ordinance 1958 and all ordinances amending or replacing either or both of these ordinances prior to the date on which such proposal is laid before the Synod by the Standing Committee have been or will be paid,
- (c) all moneys payable in relation to the Minister then licensed to the provisional parish by way of contributions for superannuation and for long service leave prior to the date on which such proposal is laid before the Synod by the Standing Committee have been or will be paid,
- (d) a residence approved as suitable by the Archbishop is available for the Minister,
- (e) a building is or buildings are available in the provisional parish for use by a congregation meeting for worship and other purposes,
- (f) such residence and building or buildings are in good condition and state of repair, are suitable for the purposes to which they are to be put and the freehold thereof or a leasehold thereof is vested in Church of England Property Trust Diocese of Sydney or in trustees in trust for the provisional parish,
- (g) the provisional parish is able to service all its debts,
- (h) the provisional parish is in a sound financial condition.

POWER OF THE ARCHBISHOP TO CREATE A PROVISIONAL PARISH

7. (1) Notwithstanding the provisions of clauses 4 and 5 of this ordinance, the Archbishop may create a new provisional parish by an instrument which:—

- (a) contains a description of the boundaries of the proposed provisional parish,
- (b) specifies a date from which such new provisional parish shall be deemed to have been created, and
- (c) is signed by him.

A copy of every such instrument shall be sent to the Secretary of the Standing Committee as soon as reasonably possible after it has been signed.

(2) Each such new provisional parish shall be deemed to have been created on the date specified in such instrument and, shall continue in existence for such period as the Synod or the Standing

Parishes Ordinance 1979

Committee shall determine by resolution from time to time but, failing any such determination, shall continue for three years from the date specified in such instrument. Upon any such new provisional parish ceasing to exist the territory comprised therein shall revert to the ecclesiastical districts from which it was taken provided that, if the Archbishop-in-Council determines that any such reversion is inappropriate, the said territory shall be assigned to any adjoining ecclesiastical district or ecclesiastical districts in such manner as the Archbishop-in-Council may determine.

CHANGE IN CLASSIFICATION

8. (1) If, in relation to a parish, in respect of each of three consecutive financial years, the aggregate of:—

- (a) the stipend and travelling allowance (excluding any allowance for distance travelled) payable to the Minister licensed to a parish, and
- (b) the amount of all contributions payable in relation to the Minister then licensed to the parish by way of contribution for superannuation and for long service leave in respect of those financial years;

exceeds the local revenues of that parish received during each such financial year, such parish shall cease to be a parish on the last day of the next following financial year or such later date as shall be determined by Standing Committee and, on that day or date become a provisional parish provided that the Standing Committee or the Synod by resolution may determine, at any time during that following financial year, that this clause shall not apply to a parish specified in the resolution for such period as the Standing Committee may determine by resolution.

(2) Where any parish becomes a provisional parish pursuant to this clause the licence of the Minister licensed thereto shall remain in full force and effect subject to the same qualifications (if any) to which the licence was subject prior to such change and the Minister licensed thereto at the time of such change shall continue, so long as he remains licensed thereto, to be regarded, for the purposes of any recommendation made by the Synod or its Standing Committee concerning the stipends and allowances paid to or in respect of clergymen, to be a rector of a parish.

ALTERATION OR DEFINITION OF BOUNDARIES

9. (1) The Standing Committee, by resolution, may alter, clarify or define the boundaries of any one or more ecclesiastical districts without forming an additional ecclesiastical district if a majority of the members of the parish council (if any) of each ecclesiastical district, the boundaries of which will be altered, clarified or defined thereby, consent thereto.

(2) If any person requests the Standing Committee to alter, clarify or define the boundaries of any one or more ecclesiastical districts without forming an additional ecclesiastical district and:—

- (a) the Standing Committee declines to do so, or
- (b) a majority of the members of the parish council of an ecclesiastical district the boundaries of which will be altered, clarified or defined thereby fails to give its consent within

Parishes Ordinance 1979

a period of two months of being requested by the Standing Committee or such person so to do, the Registrar, the Minister or a parishioner or any ecclesiastical district which would be effected by such a request may request the Standing Committee to refer the matter to the Synod. Upon such request being made, the Standing Committee shall (unless the Standing Committee considers the proposal to be frivolous or vexatious) refer the matter to the next ordinary session of Synod together with its report thereon provided that, if such request is made within three months prior to the commencement of the first day of the ordinary session of a Synod, the Standing Committee may instead refer such request to the next ordinary session of that Synod or, if there is no further ordinary session of that Synod, then to the first ordinary session of the next Synod. The Synod, by resolution, shall grant (with or without modifications) or reject every such request referred to it.

(3) Upon a resolution of the Standing Committee being passed pursuant to sub-clause (1) of this clause and upon the Synod granting (with or without modifications) a request pursuant to sub-clause (2) of this clause, the alteration clarification or definition dealt with therein shall be effected upon the date specified in such resolution of the Standing Committee or Synod as the case may be.

AMALGAMATION OF ECCLESIASTICAL DISTRICTS

10. (1) The Standing Committee, by resolution, may amalgamate two or more ecclesiastical districts to form a parish or a provisional parish provided that no such resolution shall be passed unless:—

- (i) the Minister licensed to one of the ecclesiastical districts the subject of the proposed resolution has consented in writing to the proposal embodied in the proposed resolution,
- (ii) there is no Minister licensed to any other of the ecclesiastical districts the subject of the resolution, and
- (iii) by resolution, the parish councils (if any) of the ecclesiastical districts the subject of the proposed resolution have approved of such amalgamation.

(2) For the purposes of sub-clause (1):—

- (a) an amalgamation shall be effected on the date on which the resolution effecting the same is passed unless some other date is specified in the resolution in which event the amalgamation shall be or be deemed to have been effected on that other date, and
- (b) a person or a parish council shall be deemed to have consented to or approved of an amalgamation unless that person or parish council records its reasons for opposing the amalgamation and gives written notice thereof to the Secretary of the Standing Committee within three months of being invited so to do.

RESPONSIBILITIES OF MINISTERS

11. After the provisions of this Ordinance take effect:—

- (a) the Minister officiating in a parish shall be subject to the same responsibilities as a Minister officiating in a parish was subject to prior to this Ordinance taking effect, and

Parishes Ordinance 1979

(b) except as provided in clause 8(2), a Minister officiating in a provisional parish shall be subject to the same responsibilities as a Minister officiating in a provisional parish or provisional district was subject to prior to this Ordinance taking effect.

12. The Synod Representation and Membership Ordinance 1945-1975 is amended by the insertion of the following paragraphs at the end of clause 1:—

"(5) An ecclesiastical district being a provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979 shall be deemed a separate cure of souls for the purpose of synod representation provided that no such meeting as aforesaid in a provisional parish shall choose more than one representative.

(6) Where an ecclesiastical district being a parish becomes a provisional parish the existing representatives of that parish elected to Synod shall continue in office until the expiration of the Synod then current but thereafter while the district remains a provisional parish it shall only be entitled to elect one representative to Synod."

13. The Sydney Church Ordinance 1912-1978 is amended by the insertion of the following words at the end of sub-paragraph (c) of the definition in paragraph (8) of clause 3 of the word "Parish":—

"and (d) a provisional parish being a provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979".

14. The Presentation and Exchange Ordinance 1933-1975 is amended by adding the following words at the end of the definition of "Parish" in paragraph (d) of clause 2:—

"or of a provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979".

15. On the date of commencement of this ordinance, a reference in any other ordinance or any other document to a provisional parish, provisional district or district shall be deemed to be a reference to a provisional parish constituted under or recognised as such for the purposes of this ordinance.

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

E. D. CAMERON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this fourth day of October 1979.

R. J. BOMFORD,
W. G. S. GOTLEY,
Secretaries of Synod.

I assent to this Ordinance.

M. L. LOANE,
Archbishop of Sydney.

4/10/1979.