

Recognised Churches (Provisional Status) Amendment Ordinance 2007

No 26, 2007

Long Title

An Ordinance to recognise the provisional status of churches in the Diocese.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Recognised Churches (Provisional Status) Amendment Ordinance 2007.

2. Amendment

The Recognised Churches Ordinance 2000 is amended as follows –

- (a) in clause 2(1) –
 - (i) insert in alphabetical order the following new definitions –
 - “criteria for recognition’ means –
 - (a) in relation to a provisional recognised church, the criteria set out in clause 12B, and
 - (b) in relation to any other recognised church, the criteria set out in clause 7.”
 - “provisional parish’ has the same meaning as in the Parishes Ordinance 1979.”
 - “provisional recognised church’ means a church recognised under Part 3A of this Ordinance.”, and
 - (ii) delete the definition of “minister” and insert instead the following –
 - “minister’ means –
 - (a) in relation to a provisional recognised church, the person licensed thereto for the time being as curate-in-charge, and
 - (b) in relation to any other recognised church, the

Recognised Churches (Provis Status) Amend Ord 2007

- person licensed thereto as incumbent, and
- (c) except in clause 18(1) of the administration provisions, in the absence or incapacity of a person referred to in paragraphs (a) or (b) or during any vacancy in office of the curate-in-charge or incumbent, the person authorised under clause 59 of the administration provisions for the time being to exercise all or any of the functions of the curate-in-charge or incumbent, to the extent to which those functions are properly exercisable in accordance with his licence or other authority.”, and
 - (iii) insert the matter “or 3A” after the matter “Part 3” in the definition of recognised church, and
 - (b) delete the matter “clauses 13(1) and 14” in clause 2(4) and insert instead the matter “clause 14(2)”, and
 - (c) delete the matter “Part 3 of” in clauses 3(1), 3(2) and 17(1), and
 - (d) delete the matter “in clause 7” in clauses 5(1)(a) and 8(1) and insert instead the words “for recognition”, and
 - (e) delete the matter “in clause 7” in clauses 10(1) and 10(3)(a), and
 - (f) reletter existing Part 3A as Part 3B, reletter existing clauses 12A and 12B as 12F and 12G respectively and insert a new Part 3A as follows –

“Part 3A – Recognition of Provisional Status

12A. Modified process for recognition of provisional status of a church

A proposal to recognise the provisional status of a church may be made in accordance with Part 3 subject to the modifications and requirements set out in this Part 3A.

Recognised Churches (Provis Status) Amend Ord 2007

12B. Criteria for recognition of provisional status

For the purpose of recognising the provisional status of a church, the criteria for recognition are –

- (a) the Archbishop is willing to appoint the person named in the proposal under clause 4 as the minister of the church if recognised, and
- (b) the church, if recognised, would be likely within a period of 5 years to satisfy the requirements of clauses 7(b) and (c), and
- (c) the regional council is willing and able to meet any shortfall in the payment by the church, if recognised, of the amounts referred to in clause 7(b)(iii), and
- (d) there is satisfactory evidence that a substantial number of the members of the church support the proposal for recognition, and
- (e) if the church is a congregation which is under the pastoral leadership of a minister of a parish –
 - (i) the minister and parish council of the parish have consented to the proposal, and
 - (ii) the regional council otherwise approves of the separation of the church from the parish.

Recognised Churches (Provis Status) Amend Ord 2007

12C. Declaration of provisional recognition

For the purposes of clause 8, if a regional council, having investigated a proposal received under clause 4, determines that a church does not satisfy the criteria for recognition under clause 7 but does satisfy the criteria for recognition under clause 12B, the regional council must declare that the church is a provisional recognised church subject to the person named in the proposal –

- (a) receiving an offer from the Archbishop pursuant to clause 6, and
- (b) accepting the responsibility of minister to that church and, if not ordained as a presbyter, accepting the Archbishop's offer to be so ordained.

12D. Inability to declare recognition under Part 3 but ability to declare recognition under Part 3A

For the purposes of clause 10(3), a regional council may, as an alternative to making a declaration referred to in paragraph (a) or (b) of that clause, declare the church does not satisfy the criteria for recognition under clause 7 but does satisfy the criteria for recognition under clause 12B in which case clause 8 applies.

12E. No appeal in relation to provisional recognition

Clause 12 does not apply to a decision of a regional council or a failure of a regional council to make a decision in relation to the recognition of a church under this Part 3A.", and

- (g) insert a new paragraph (a) in relettered clause 12F(2) as follows (with consequential relettering of existing paragraphs (a) to (c) as (b) to (d) respectively) –

Recognised Churches (Provis Status) Amend Ord 2007

- “(a) whether the recognition of the church is of provisional status only, and”, and
- (h) delete the matter “12A” in relettered clause 12G(1) and clauses 16(1) and 17(2) and insert instead the matter “12F”, and
- (i) delete clause 13(1) and insert instead the following –
 - “(1) The administration provisions apply –
 - (a) in relation to a recognised church which has not been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building, a parish and cure of souls within the Diocese and the minister thereof is licensed thereto as –
 - (i) curate-in-charge in the case of a provisional recognised church, and
 - (ii) incumbent in any other case,
 - (b) in relation to a recognised church which has been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building and the ecclesiastical district so assigned is a parish and cure of souls within the Diocese and the minister thereof is licensed thereto as –
 - (i) curate-in-charge in the case of a provisional recognised church, and
 - (ii) incumbent in any other case.”, and
- (j) delete clause 14 and insert instead the following –

Recognised Churches (Provis Status) Amend Ord 2007

“14. Other Ordinances

(1) All other ordinances of the Diocese apply –

- (a) to a provisional recognised church which has not been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building and the meeting place is a provisional parish and cure of souls within the Diocese and the minister thereof is licensed thereto as curate-in-charge, and
- (b) to a provisional recognised church which has been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building and the ecclesiastical district so assigned is a provisional parish and cure of souls within the Diocese and the minister thereof is licensed thereto as curate-in-charge,

and it and he are recognised as such by all relevant ordinances.

(2) All other ordinances of the Diocese apply –

- (a) to a recognised church (not being a provisional recognised church) which has not been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building and the meeting place is a parish and cure of souls within the Diocese and the minister thereof is licensed thereto as incumbent, and
- (b) to a recognised church (not being a provisional

Recognised Churches (Provis Status) Amend Ord 2007

recognised church) which has been assigned an ecclesiastical district under clause 12F, as if the meeting place is a church building and the ecclesiastical district so assigned is a parish and cure of souls within the Diocese and the minister thereof is licensed thereto as incumbent,

and it and he are recognised as such by all relevant ordinances.

(3) The Archbishop-in-Council or the Synod may by resolution exclude or modify the application of an ordinance to a particular recognised church or to all recognised churches.”, and

(k) delete the word “incumbent” in clauses 16(1) and 18(1) and insert instead the words “its minister”, and

(l) insert after clause 19 a new clause 19A as follows –

“19A. Shortfalls in payment of certain amounts by provisional recognised churches

Any shortfall in the payment by a provisional recognised church of the amounts payable for assessments and other charges under the Assessment and Charges Ordinance 1975 is to be met by the regional council whose regional bishop declared the church to be a provisional recognised church under clause 8.”, and

(m) delete clause 20(2) and insert instead the following –

“(2) A provisional recognised church also ceases to be a recognised church if both the relevant regional bishop and regional council (by resolution) determine that, in the circumstances, recognition should not continue.

(3) Any person may invite the Archbishop and the Standing Committee to act under subclause (1) or the relevant regional bishop and regional council to act under subclause (2). The invitation must

Recognised Churches (Provis Status) Amend Ord 2007

be written and state the grounds on which
the applicant relies.”.

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

R TONG
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the
Diocese of Sydney 24 September 2007.

R WICKS
CJ MORONEY
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
02/10/2007