
*Sydney Church Ordinance 1912 Amendment Ordinance,
1961.*

No. 37, 1961.

AN ORDINANCE to amend the Sydney Church Ordinance
1912 as amended.

WHEREAS the Sydney Church Ordinance 1912 has been amended
5 by the "Sydney Church Ordinance Amendment Ordinance 1920"
(assented to 18th May, 1921); the "Sydney Church Ordinance
Further Amending Ordinance 1921" (assented to 12th December,
1921); the "Casual Vacancies Ordinance 1935," No. 11, 1935
(assented to 30th September, 1935); "The Glebe Administration
10 Ordinance 1930 Further Amending Ordinance 1944" and the
"Sydney Church Ordinance 1912 Further Amending Ordinance
1944," No. 10, 1944 (assented to 22nd November 1944); "Sydney
Church Ordinance 1912 Amending Ordinance 1947," No. 12, 1947
(assented to 5th December, 1947); "The Sydney Church Ordinance
15 1912 Amending Ordinance (2) of 1947," No. 13, 1947 (assented
to 5th December 1947); "Sydney Church Ordinance 1912 Amend-
ment Ordinance 1953," No. 23, 1953 (assented to 13th October,
1953); "Sydney Church Ordinance 1912 Amendment Ordinance No.
2, 1953," No. 26, 1953 (assented to 15th October, 1953); "The
20 Sydney Church Ordinance 1912 Amending Ordinance 1955," No.
23, 1955 (assented to 20th October 1955); "Sydney Church Ord-
inance Further Amending Ordinance 1957," No. 40, 1957 (assented
to 4th October, 1957); "The Sydney Church Ordinance 1912-1955
Further Amending Ordinance 1957," No. 41, 1957 (assented to
25 4th October, 1957).

AND WHEREAS the said Sydney Church Ordinance 1912 has
also been amended or otherwise affected in certain respects by:-

"St. Barnabas' Chatswood Commission or Temporary Church
Control Ordinance 1932" (No. 10, 1932) (now inoperative); "Glebe
30 Administration Ordinance 1930" (No. 15, 1930, so far as St.
Philip's Glebe and St. James' Glebe are concerned; St. Alban's Five
Dock Ordinance 1942" (No. 6, 1942) so far as the appointment of
Churchwardens of this Parish is concerned (now inoperative);
"Women's work in the Church Ordinance 1922;" the "Ordinance
35 re Certain Ministrations in Churches 1922."

AND WHEREAS it is expedient to amend the said Sydney Church
Ordinance 1912 as so amended and affected.

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NOW 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:-

1. This Ordinance may be cited as "Sydney Church Ordinance 1912 Amendment Ordinance 1961."

2. In this Ordinance "Principal Ordinance" means the Sydney Church Ordinance 1912 as amended aforesaid.

3. The Principal Ordinance as amended by this Ordinance may be cited as "Sydney Church Ordinance 1912-1961."

4. Clause (7) of Section 3 of the Principal Ordinance is repealed and a new clause (7) is inserted in its place as follows:-

15 "(7). 'Minister' means

(a) as applied to a Provisional Parish or Provisional District, the Minister duly licensed thereto for the time being as Curate-in-Charge.

20 (b) as applied to any other Parish, the Minister duly licensed thereto for the time being as Incumbent,

25 (c) in the absence or incapacity of any such Minister as defined in paragraphs (a) and (b) hereof, or during any vacancy in the office of any such Minister, the Minister duly licensed or authorised pursuant to section 55 hereof for the time being to exercise the functions of such Minister or any of them, to the extent to which such functions are properly exercisable in accordance with his license or other authority."

30 5. Clauses (9) and (10) of Section 3 of the Principal Ordinance are amended by omitting the words "including a married woman" where they occur in those clauses, and further that Clause (11) of Section 3 be amended by omitting the word "Adult" and inserting after the word "parishioners" the words "over the age of eighteen years."

35 6. (1) Section 6 of the Principal Ordinance is amended by inserting the figure "(1)" after the figure "6".

(2) The said Section 6 is further amended by omitting the figures "(1)" and "(2)" where they occur and inserting in lieu thereof the letters "(a)" and "(b)" respectively, and by

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5 omitting the figure "(3)" where it occurs and inserting in lieu thereof the figure "(2)".

7. Section 7 of the Principal Ordinance is amended (i) by inserting before the word "Trustees" wherever it occurs the words "Churchwardens or", and (ii) by inserting after the words "appointed by the Synod" the words "or the Standing Committee".

8. Section 10 of the Principal Ordinance is amended (i) by deleting the words "Parsonage School House" and inserting in lieu thereof the words "or Hall or Parsonage", and (ii) by inserting at the end the following words:-

15 "and in case of any conveyance or transfer to any trustee or trustees other than the Church Property Trust the consent of such trustee or trustees shall be sufficient in lieu of the consent of the Church Property Trust."

9. Section 11 of the Principal Ordinance is repealed and a new Section 11 is inserted in its place as follows:-

20 "11. In any case where such land or interest in land shall be transferred by Memorandum of Transfer under the Real Property Act or any Act amending or taking the place of the same then the trustee or trustees shall execute a Declaration of Trust in such terms as shall be required and approved by the Archbishop-in-Council at any time."

25 10. Section 14 of the Principal Ordinance is repealed and a new Section 14 is inserted in its place as follows:-

30 "14. (1) The approval in writing of the Archbishop shall be obtained for the position and the plans and specifications of all buildings intended for a Church or Hall or Parsonage or other building for the use of members of the Church of England before the erection thereof on any lands held upon trust for any Church purpose. Application for such approval shall be signed by the Minister and a majority of the members of the Church Committee, or other body of persons for the time being exercising the powers of a Church Committee. Provided that the Minister may and at the request in writing of the Archbishop shall at any time before such approval is given refer such application or any matter relating to such application to the Parish Council if any and any resolution of the Parish Council in that regard shall within seven days be forwarded to the Archbishop in writing.

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5 (2) Such plans and specifications must be prepared by a
qualified Architect, or by such other qualified person or
persons as may be approved by the Archbishop. Each
such application shall be accompanied by information
10 satisfying the Archbishop that proper and adequate
supervision of the erection of the building has been
arranged for."

11. Section 18 of the Principal Ordinance is amended by
deleting the words "or the giving of religious instruction" and
inserting in lieu thereof the words "and the giving of religious
15 instruction in accordance with the law of the Church of England."

12. Section 20 of the Principal Ordinance is amended by
omitting the words "the School House" and inserting in lieu thereof
the words "any Hall".

13. Section 21 of the Principal Ordinance is repealed and a
20 new Section 21 is inserted in its place as follows:-

25 "21. It shall not be lawful to make any alteration by way of
addition or diminution in the fabric utensils ornaments or
furniture of a Church or in the internal arrangements
thereof or otherwise howsoever nor to place any wall in
which the ashes of any deceased person or persons are
30 to be interred or any monument memorial or tablet in any
part of a Church or Church property save with the sanction
of the Archbishop to be given by a Faculty or other form of
permit provided that no such alteration utensils ornaments
furniture or other things shall be permitted placed or
remain in any Church nor in any such position therein as
would be illegal in any Church of England in England."

14. Section 22 of the Principal Ordinance is amended by
omitting the words "Minister and by the Parish Council of the
35 Parish in which the Church concerned is situated or if there be no
Parish Council then by the" and by omitting the word "also".

15. Section 31 of the Principal Ordinance is amended by
inserting the words "and notwithstanding the provisions of Section
21 hereof" after the figures '29'.

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5 16. Section 32 of the Principal Ordinance is amended by
omitting the words "or matter" after "business" and inserting the
following words at the end:-

10 "Provided that in any case where any Ordinance shall require
any business to be referred to a Vestry Meeting in a
Parish in which there are two or more Churches and such
business is not connected with only one of such Churches
a Combined Vestry Meeting of Parishioners of the whole Parish
shall be convened by the Minister and the Churchwardens of the
principal Church."

15 17. (1) Sub-section (1) of Section 34 of the Principal Ord-
inance is amended by inserting at the end the following
words:-

20 "Notice of any adjourned Vestry Meeting shall be given
by announcement at such Service or Services as may
be held in the Church on the Sunday prior to such ad-
journed meeting. The Minister may give notice of any
Vestry Meeting or adjourned Vestry Meeting by such
means and at such times as he may think fit in addition
to such notice as is required under this Ordinance."

25 (2) Sub-Section (2) of Section 34 of the Principal Ord-
inance is amended by inserting at the end the following
proviso, "Provided that a parishioner of the age of 18
years and under 21 years shall be entitled to attend and
take part in any such meeting if he shall have first sub-
30 scribed the aforesaid declaration substituting the figure
"18" for the figure "21" but shall not be counted for the
purposes of a quorum and shall not be entitled to vote at
the election of Churchwardens."

35 (3) Section 34 of the Principal Ordinance is further
amended by the addition of a new Sub-Section (3) as
follows:-

"(3) The omission of any person to make the declaration
required by this Section shall not invalidate the election
or appointment of any person to any office."

40 18. Section 36 of the Principal Ordinance is repealed and a
new Section 36 is inserted in its place as follows:-

"36. In a Parish having only one Church each annual Vestry
Meeting shall—

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- 5 (1) After the meeting has been opened, receive the declarations made as required by Section 34 by such persons as are then present.
- (2) Give directions as to the reading of the Minutes of the meeting at or after its conclusion.
- 10 (3) Receive and pass or otherwise determine upon the statements of the Churchwardens as required by Section 41.
- (4) Give directions as to the printing and distribution of the statements of the Churchwardens, so received.
- 15 (5) Elect two qualified persons to be Churchwardens and receive notification of the name of the person appointed by the Minister as a Churchwarden.
- (6) Appoint a person or persons of the age of twenty-one years and upwards to audit the statements and books of account of the Churchwardens.
- 20 (7) (a) Determine whether or not there shall be a Parish Council and if in the affirmative
- (b) Elect three, six or nine qualified persons to be members thereof and
- (c) Determine whether or not the rights, powers and duties of a Church Committee shall vest in such Parish Council.
- 25 (8) Elect Parish Representatives if entitled to do so in accordance with the provisions of the Presentation and Exchange Ordinance 1933-1959 or any Ordinance amending or replacing the same, or postpone such election until an adjourned or subsequent Vestry Meeting in accordance with such Ordinance.
- 30 (9) Make such recommendations as it may think fit to the Parish Council on any matter connected with the business of the Church.
- 35 (10) Exercise any other power which may be authorised by any Ordinance."

19. A new Section 36A is inserted after Section 36 of the Principal Ordinance as replaced by this Ordinance:-

40 "36A. In a Parish having more than one Church each annual Vestry Meeting shall:-

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- (1) After the meeting has been opened, receive the declarations made as required by Section 34 by such persons as are then present.
- 5 (2) Give directions as to the reading of the Minutes of the meeting at or after its conclusion.
- (3) Receive and pass or otherwise determine upon the statements of the Churchwardens as required by Section 41.
- (4) Give directions as to the printing and distribution of the statements of the Churchwardens, so received.
- 10 (5) Elect two qualified persons to be Churchwardens and receive notification of the name of the person appointed by the Minister as a Churchwarden.
- (6) Appoint a person or persons of the age of twenty-one years and upwards to audit the statements and books of account of the Churchwardens.
- 15 (7) Determine whether or not there shall be a Church Committee and if in the affirmative elect three, six or nine qualified persons to be members thereof.
- 20 (8) (i) If no modification has been made in the constitution of the Parish Council under Section 43 (2) and if it is the Annual Vestry Meeting of the principal Church of the Parish elect three or six qualified persons to be members of the Parish Council.
- 25 (ii) If the constitution of the Parish Council has been modified under Section 43 (2), elect such qualified persons as it is entitled to elect under the terms of such modification to be members of the Parish Council.
- (9) Make such recommendations as it may think fit to the Parish Council or Church Committee as the case may be on any matter connected with the business of such Church or Parish.
- 30 (10) Exercise any other power which may be authorised by any Ordinance.

20. Section 37 of the Principal Ordinance is amended by 35 omitting the words "within three days" and inserting in their place the words "at such meeting or within seven days."

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21. Sections 38 and 45 of the Principal Ordinance are amended by inserting the figure 1 before the existing clauses and by deleting the words "the undersigned A.B. where they occur in those sections.

5 22. Sections 39 and 46 of the Principal Ordinance are amended by the addition in each such Section of a new Clause as follows:—

10 "(2) For the purposes of this section a vacancy shall be deemed to arise when the Minister receives notice of the resignation or other fact or circumstances causing the vacancy."

23. Section 41 of the Principal Ordinance is repealed and a new Section 41 is inserted in its place as follows:—

"41. The rights powers and duties of Churchwardens besides those prescribed in the Book of Common Prayer shall be—

15 (1) To have the charge and administration of all funds and property of the Church not by the trusts under which they are held excluded from such charge or administration.

(2) To keep order in the Church and Churchyard.

20 (3) To have the superintendence and direction of all matters connected with the arrangement and assignment of seats in the Church provided that a sufficient number of the seats shall be reserved and always appropriated to the gratuitous use of the Minister.

25 (4) To collect all moneys payable to the Churchwardens, to count the offertories and collections taken in connection with services in the Church and to record the amounts of such offertories and collections in the Register of Services forthwith, and to keep books of account of all moneys received and expended by them.

30 (5) To have the care of the Church and its furniture and of other things appertaining to the celebration of Divine Service and to see that everything is fit and in proper order for the due performance thereof.

35 (6) To report to the Archbishop any grave irregularities in the performance of Divine Service any wilful neglect of duty or any flagrant misconduct on the part of the Minister.

(7) To report promptly to the Registrar of the Diocese the names addresses and occupations of all persons elected

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5 or appointed to be Trustees Churchwardens Members of Church Committees or Members of Parish Councils.

10 (8) To insure the Church the fittings fixtures and furniture therein and the parsonage halls and all other buildings with the contents being the property of such Church and appurtenances thereof and to insure such persons as may be required by law to be insured for any purpose and to effect such insurances in accordance with any regulations which may be made from time to time in that regard by the Archbishop-in-Council.

15 (9) (a) Before every Annual Vestry Meeting to prepare—

(i) A statement of all moneys received and expended by them during the previous financial year.

(ii) A statement of the liabilities of the Church at the close of the financial year.

20 (iii) A statement of the assets of the Church at the close of the financial year; Provided that in showing the value of any lands and buildings it shall suffice if the cost price, Valuer-General's current valuation, or a valuation by an independent qualified valuer be shown.

25 (iv) If separate accounts are kept by them of moneys collected expended or held in connection with matters affecting the Parish as a whole and not being the responsibility of any one Church only, separate statements in accordance with (i), (ii) and (iii) aforesaid with regard to such moneys, each such statement to be duly certified by their own signatures and by the signatures of the Auditor or Auditors duly appointed as here-
30 inbefore mentioned, and

35 (v) An interim statement showing all moneys received and expended by them after the termination of the financial year, which shall include payment of stipends salaries wages and other urgent expenses, and a statement of outstanding accounts at the day immediately preceding the vestry meeting.

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(b) At the annual Vestry Meeting to produce such statements as aforesaid.

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5 (c) At or within seven days after the Annual Vestry Meeting to forward copies of such statements (i), (ii) (iii) and (iv) as aforesaid to the Registrar of the Diocese, to deliver to their successors the book or books containing the accounts of such moneys and likewise all vouchers for payments together with such balance as shall appear by the said accounts and statements to be remaining in their hands and to give effect to any direction given by the Annual Vestry Meeting as to the printing and distribution of such statements.

10 (10) It shall be the duty of the Churchwardens of the principal or only Church of the Parish to pay to the persons entitled to receive the same all such stipends and other amounts as are or shall be authorised by the Parish Council to be paid in accordance with the powers conferred by this or any other Ordinance and it shall be the duty of the Churchwardens of each Church other than the Principal Church to pay to the Churchwardens of such Principal Church all amounts required to be paid in respect of each such Church in accordance with Section 51 hereof.

15 (11) To exercise the rights powers and duties referred to in Sub-sections (1), (2), (3), (4), (5) and (8) of this section subject to the rights and powers of the Parish Council and the Church Committee respectively to authorise payments and determine matters of policy in the control of the funds and property of the Church in accordance with the other provisions of this Ordinance.”

20 24. Sections 42 and 44 of the Principal Ordinance are amended by inserting the letter “A” after the figures “36” in each such section.

25 25. Section 51 of the Principal Ordinance is repealed and a new Section 51 is inserted in its place as follows:-

30 “51. The rights powers and duties of a Parish Council but without imposing on the members thereof any legal liability shall be:-

35 (1) To fix and with the consent of the Minister and Archbishop or if the cure be vacant with the consent of the Archbishop alone from time to time to alter the stipend of the Minister

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5 provided that any endowment or other income-producing gift for or towards or supplementing the stipend of the Minister shall not effect an alteration of the stipend so fixed or altered as aforesaid, but the annual amount of such gift when received by the Minister shall be deemed to have been received on account of the current year's stipend.

10 (2) To fix with the consent of the Minister the stipend of any Curate Catechist Deaconess or other Lay Worker.

15 (3) Where there are two or more Churches of the Parish also (a) to determine and from time to time to alter

(i) the proportion of the stipend to be contributed by each Church for the Minister the Curate Catechist Deaconess or other Lay Worker and

20 (ii) the proportion of the expenses of the acquisition care and maintenance of the residence or residences for the Minister or Ministers to be contributed by each Church and also

(b) to determine what proportion shall be paid from time to time by each of such Churches towards the general expenses of the Parish.

25 (4) To cause to be paid (on or before the 30th day of September in each year) a sum at the rate of not less than £5 per annum to each Minister of the Parish towards the cost of superannuation of such Minister. Notwithstanding anything contained in clause (7) of Section 3 of this Ordinance for the purposes of this clause “Minister” includes any Clergyman licensed to a Parish as incumbent curate-in-charge curate or assistant to such incumbent or curate-in-charge.

30 (5) The Parish Council shall forthwith give to the Churchwardens of each Church of the Parish notice of any determination under Clause 3 hereof and the Churchwardens of any such Church may within thirty days after receiving such notice appeal from such determination to the Archbishop and the decision of the Archbishop thereon shall be final.

35 (6) To consult either on its own motion or on reference by a Vestry Meeting or the Minister or the Archbishop or in accordance with the provisions of any Act or Ordinance

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upon any measure or project affecting or likely to affect the interests of the Parish generally and to take proper action thereon in accordance with the powers conferred upon it by this or any other Ordinance or any Act.”

26. Section 52 of the Principal Ordinance is repealed and a new Section 52 is inserted in its place as follows :-

“52. The rights powers and duties of a Church Committee but without imposing on the members thereof any legal liability shall be :-

- (1) To provide moneys for special or general Church purposes.
- (2) To control the funds and property of the Church not by the trusts under which they are held excluded from such control, provided that no hall or other building shall be used for any purpose not sanctioned by the Minister.
- (3) To fix and from time to time to alter the salaries or wages to be paid to any lay persons appointed or holding office under Section 53 of this Ordinance.

Provided that all persons holding any such offices at the time of the passing of the Sydney Church Ordinance 1912 Amendment Ordinance 1961 shall continue to hold such offices as if they had been appointed under this section and the salaries or wages of such persons at such date shall continue to be paid to them until such time as they shall be altered under this section or as required by any law.

- (4) To repair the Church the fittings fixtures and furniture therein and the parsonage halls and all other buildings with the contents being the property of such Church and appurtenances thereof.
- (5) To provide the Minister with sufficient means for the safe custody of all Church Registers and records.
- (6) To provide the Minister with funds towards the relief of the poor of the Parish or District.
- (7) To direct the expenditure or investment of any surplus funds including the allocation of general funds of the Church not being the subject of any trust for the general or any special work of the Church of England in the Diocese of Sydney.

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(8) To fill up any vacancy in the office of Auditor.

- 5 (9) To confer with the Parish Council or another Committee or other Committees upon any measure or project affecting or likely to affect the interests of such Church or the Parish generally and to take proper action thereon in accordance with the powers conferred upon it by this or any other Ordinance or any Act.”
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27. Section 53 of the Principal Ordinance is repealed and a new Section 53 is inserted in its place as follows :-

“53. (1) The Organist Choirmaster and Choir of each Church shall from time to time be appointed by and may at any time be removed by the Minister.

(2) A Church Committee and a Parish Council respectively may appoint one of its members to be its Secretary for the time being and may remove such person from such office.

(3) The Churchwardens of any Church may appoint one of their number to act as Treasurer or with the concurrence of the Minister appoint any other person to act as Treasurer, Accountant or Book-keeper of such Church or otherwise to assist them in their duties and may remove such person from such office. Provided that nothing contained in this Sub-section shall have the effect of removing from such Churchwardens or any of them their or his responsibility for the charge and administration of any funds or property of the Church.

(4) Any verger, sexton, cleaner, gardener or other person to perform duties in or about any Church or Hall or other building used in connection with a Church shall from time to time be appointed by the Churchwardens of such Church with the concurrence of the Minister, and may be removed by the Churchwardens with such concurrence at any time.

(5) (i) Subject to the powers of the Archbishop in that regard the Minister shall have control of the policy organisation and affairs of any Sunday School, Bible Class, Study Group, Youth Fellowship Guild or other organisation of the Parish or any Church thereof and for such purposes may appoint and remove such superintendents, teachers, leaders or other officers as he shall think fit.

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- 5 (ii) In the exercise of his powers under Sub-clause (i) hereof the Minister may delegate the appointment or nomination of any officer or officers to the members of such organisation or any of them in accordance with rules to be made or approved by him for the purpose from time to time.
- 10 (iii) The Treasurer or other officer acting for the time being as Treasurer of each such organisation shall prepare a statement of receipts and payments of such organisation for the period of twelve months ending on the 31st day of March in each year and also statements of assets and liabilities as at the last day of such period and shall present such statements for audit to an auditor or auditors appointed for the purpose by the Church Committee with the approval of the Minister, and shall present such statements duly audited to the Minister before the 30th day of April in each year and also to the annual meeting if any of such organisation, and if there be no such annual meeting, to the Church Committee.
- 15 (iv) Every person appointed to any office under this Sub-section shall perform the duties of such office in accordance with this Ordinance.
- 20 (v) Every such organisation shall be deemed to exist for the furtherance of the work of such Church or Parish including its obligations in relation to the Diocese and the missionary and other work of the Church of England and may raise funds for such purposes and for its own internal purposes so far as may be necessary for its equipment and administration expenses.
- 25 (vi) If any such organisation shall cease to exist for any reason its remaining funds and property not being the subject of any trust shall become the property of such Church or Parish, and its books and records shall be given to and remain in the custody of the Minister.
- 30 (6) Any person appointed to any office under this section shall be deemed to have been appointed for a period of twelve months unless at the time when such appointment is made some other period is specified in writing by the person or persons making such appointment."
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28. Section 55 of the Principal Ordinance is repealed and a new Section 55 is inserted in its place as follows:-

"55. In any case

- 5 (a) where a Minister is absent from the Parish with leave of the Archbishop or
- (b) where there is no Minister or
- 10 (c) where a Minister is not competent and willing to discharge the functions or any of the functions devolving upon him under this Ordinance

any person appointed by the Archbishop by writing may discharge such functions and such discharge shall have the same validity and effect in all respects as if there had been a Minister competent and willing to discharge and he had discharged the same."

15 29. Section 57 of the Principal Ordinance is repealed and a new Section 57 is inserted in its place as follows:-

"57. (1) In all cases where any question or dispute shall arise—

- (i) as to whether any meeting of subscribers parishioners or trustees or
- 20 (ii) as to whether any meeting of a Parish Council or a Church Committee

has been effectively or properly called or conducted in accordance with the provisions of this Ordinance such question or dispute may be determined by the Archbishop-in-Council.

- 25 (2) In all cases where any question or dispute shall arise as to whether any election or appointment of any person or persons to any office established or provided for by this Ordinance has been conducted or made in accordance with the provisions of this Ordinance, such question or dispute may be determined by the Archbishop-in-Council. Provided that in any case where it shall be determined that the election or appointment of any person to any such office has not been validly made such determination shall not of itself have the effect of invalidating the election or appointment of any other person or persons.
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(3) In all cases where any question or dispute shall arise—

- (i) as to whether any vacancy has arisen in the office of

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a Churchwarden or of a Trustee or of a member of a Parish Council or a Church Committee,

- 5 (ii) as to which are for the time being the boundaries of any Parish, or
- 10 (iii) as to which is for the time being the Principal Church of any Parish, or in a Parish where there is no Principal Church, as to which Church shall for any of the purposes of this Ordinance be deemed for the time being the Principal Church of such Parish, or
- (iv) as to which is the Church if any in respect of which any person is for the time being a parishioner

15 such question or dispute may be determined by the Archbishop alone."

30. Section 59 of the Principal Ordinance is repealed and a new Section 59 is inserted in its place as follows:-

20 "59. (1) In any case where it shall have been determined under Sub-sections (1) and (2) of Section 57 that any meeting has not been effectively or properly called or conducted in accordance with the provisions of this Ordinance, the Archbishop-in-Council may either

25 (a) declare that in the circumstances of the case the meeting was called and conducted substantially in accordance with the provisions of this Ordinance and that no injury has been caused thereby and that no further meeting is required to be called or

30 (b) direct that another meeting be called for all or any of the purposes for which the original meeting was or should have been called, as the circumstances of the case may require, specifying the purposes for which such meeting is to be called.

35 (2) In any case where it shall have been determined under Sub-section (2) of Section 57 that the election or appointment of any person has not been conducted or made in accordance with the provisions of this Ordinance on the ground that such person was not qualified for election or appointment to such office, the Archbishop-in-Council shall direct that a new election or appointment shall be conducted or made as the case may be to replace such person.

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5 (3) In any case where it shall have been determined under Sub-Section (2) of Section 57 that the election or appointment of any person has not been conducted or made in accordance with the provisions of this Ordinance on any ground other than that specified in Sub-section (2) of this Section, the Archbishop-in-Council may either

10 (a) declare that in the circumstances of the case such election or appointment shall stand as if it had in all respects been validly and properly conducted or made as the case may be, or

(b) direct that such election or appointment shall not stand and that a vacancy be declared as from the date of such direction.

15 (4) In any case where any meeting has been ineffectively provided for or has not been called within the time and in the manner required by this Ordinance the Archbishop may call such meeting by such notice and for such time and place as he shall think fit or may by writing appoint some other person to call such meeting for such time and place as aforesaid and to act as Chairman thereof.

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25 (5) In any case where any election or appointment of any person either originally or in case of a vacancy to any office established or provided for by this Ordinance has been ineffectively provided for or has not been made in accordance with the preceding provisions of this Ordinance the Archbishop may call a meeting in accordance with Sub-section (4) hereof to hold such election or may himself make such appointment by writing provided that any person so to be elected or appointed shall be duly qualified for such office under this Ordinance.

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35 (6) All such meetings elections and appointments authorised held and made as aforesaid under this Section shall have the same authority validity and effect and be deemed to be the same in all respects as if they had been called held and made respectively in accordance with the other provisions of this Ordinance."

31. Section 60 of the Principal Ordinance is amended by deleting the word "Schoolhouse" and inserting in its place the word "hall."

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*Sydney Church Ordinance 1912 Amendment Ordinance,
1961.*

32. Section 61 of the Principal Ordinance is amended by inserting the words "and headings" after the words "marginal notes."

33. A new Section 62 shall be inserted in the Principal Ordinance as follows:-

5 "62. On and after the date at which the Constitution of the
Church of England in Australia takes effect under the provisions
of the Church of England in Australia Constitution Act, 1961,
the words "in Australia" shall be inserted after the words
10 "Church of England" in every declaration required to be made
under sections 3A, 3B, 4, 34, 38 or 45 of this Ordinance (and
in the said sections)."

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

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the
Diocese of Sydney this 18th day of October, 1961.

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

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

18/10/1961