

DIOCESE OF ARMIDALE

CHURCH PROPERTY ACT PROCEDURE ORDINANCE 1935

WHEREAS it is expedient to re-enact the regulation of the procedure in the initiation of Ordinances under “The Church of England Trust Property Act 1917”, and to delegate certain powers and functions in pursuance of the provisions of the said Act, the Synod of the Diocese of Armidale assembled in pursuance of the powers on that behalf conferred upon it by the Constitutions for the management of good government of the Church of England within the State of New South Wales and by the Church of England Trust Property Act 1917 and of all other powers thereunto enabling it ordains and rules as follows:-

1. The Church Property Act Procedure Ordinance 1921 is hereby repealed but such repeal shall not affect the past operations thereof, nor anything done or commenced, nor any rights privileges obligations or liabilities acquired accrued or incurred thereunder nor shall it revive any ordinance heretofore repealed.
2. No Rule or Ordinance shall be initiated under the provisions of the “Church of England Trust Property Act, 1917”, except upon a petition first presented with a printed or type-written copy of the proposed Ordinance, which petition shall be signed by one or more of the parties applying.
3. No such petition shall be presented unless not earlier than one month previously notice thereof shall have been published in the parish paper published by the parish concerned or if there be no such parish paper notice thereof shall be given to the parishioners at Divine Service on two previous Sundays and such petition then approved by a majority of two-thirds of the Parochial Council members present at a meeting called to consider such petition.
4. Every such notice shall state the intention to apply to the Synod for the proposed Ordinance and the general object of such ordinance, and shall also contain a notification that every petition in opposition to such Ordinance shall be presented before a date mentioned in such notification, and being at least thirty days after the first publication of such notice.
5. Every such petition shall state that such notice has been given as aforesaid, and the production of such paper as aforesaid (to be filed with the Registrar of the Diocese) shall be sufficient proof of such notice having been given.
6. Every such petition shall be addressed to the Synod and shall be presented to the Diocesan Council not less than forty days before the meeting of Synod, and such Council shall report to the Synod upon such petition and proposed Ordinance. “Diocesan Council” in this Ordinance means the members of the Diocesan Council for the time being holding office under the provisions of the “Diocesan Council Ordinance 1935”, or of any Ordinance amending or taking the place thereof.
7. Before the proposed Ordinance shall be read a first time, such number of copies thereof as the Diocesan Council or a sub-committee thereof shall require shall be printed or typed at the expense of the parties applying, and shall be delivered to the Registrar of the Diocese for the use of the Diocesan Council and the sum of \$10 shall be paid to the Diocesan

Council to meet the expenses attendant on such Ordinance, and a certificate for that sum having been paid, signed by the Registrar of the Diocese, shall be produced by the member having charge of the Ordinance.

8. Every such proposed Ordinance shall contain a preamble reciting the circumstances on which such Ordinance is founded, and bringing the case within the provisions of the abovementioned Act, and stating the matters in reference to which the Ordinance is sought, and the Diocesan Council may require proof of the allegations contained in the preamble.
9. Every petition in opposition to any such proposed Ordinance as aforesaid shall be addressed, and may be presented in manner respectively aforesaid at any time before the date hereinbefore prescribed, and shall distinctly specify the grounds of opposition, and may be received and dealt with by the Diocesan Council on behalf of the Synod. Such petition shall state the name and address of some person upon whom, and where, any notice relating to such counter petition may be served, and unless such petition contains such name and address it shall not be considered.
10. The Diocesan Council shall have power to entertain any such proposed Ordinance as aforesaid during the recess, and notwithstanding that leave to bring such Ordinance has not been obtained from the Synod, to report to the Synod at the following session.
11. The Diocesan Council is hereby appointed for the purpose of exercising, and accordingly may, during the recess of the Synod of the Diocese, exercise in the place of such Synod all or any of the powers and functions, and do and make all or any of the things referred to in Part 3, Section 9 to 16 inclusive, Part 4, Section 19, Part 5, Sections 24 and 25, and Part 6, Sections 26 to 31 inclusive of the said "Church of England Trust Property Act, 1917" (No. 21).
12. The procedure of the Diocesan Council, in acting under Section 10 hereof shall be in accordance with the Standing Orders of Synod for the time being *mutatis mutandis*.
13. If the Diocesan Council shall by resolution declare any matter to be one of special urgency, the Diocesan Council may suspend any part of the above regulations in relation to the matter in question, and the matter may thereupon proceed accordingly.
14. For the purpose aforesaid the Diocesan Council may from time to time appoint a sub-committee or sub-committees, and may refer either all Ordinances generally or only specified Ordinances or clauses of Ordinances to such sub-committee or sub-committees respectively for enquiry and reports to the Diocesan Council.
15. This Ordinance may be cited and known as "The Church Property Act Procedure Ordinance 1935".