

DIOCESE OF ARMIDALE

CHURCH PROPERTY ACT PROCEDURE ORDINANCE 1935-2023

WHEREAS it is expedient to re-enact the regulation of the procedure in the initiation of Ordinances under “The Anglican Church of Australia 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 Anglican Church of Australia 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 The Church Property Act Procedure Ordinance 1921 is hereby repealed but such repeal shall not affect the past operations thereof, nor anything done or commenced, nor any rights privileges obligations or liabilities acquired accrued or incurred thereunder nor shall it revive any ordinance heretofore repealed.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. Definitions

‘Diocesan Council’ is as defined in the Governance of the Diocese Ordinance 2016-2022 or succeeding ordinances.

‘Parish Council’ is the body as set out in the Parish Governance and Administration Ordinance 2015-2021 or succeeding ordinances.

‘Registrar’ is as defined in the Governance of the Diocese Ordinance 2016-2022 or succeeding ordinances.

‘Synod’ is as defined in the Governance of the Diocese Ordinance 2016-2022 or succeeding ordinances.”

3. 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 copy of the proposed Ordinance, which petition shall be signed by one or more of the parties applying. Where the property is held for the sole benefit of a parochial district, the petition shall be signed by a majority of the members of that parochial district’s Parish Council or equivalent body.

4. No such petition shall be presented unless at least one month previously and no more than six months previously notice thereof shall have been published in the parochial district concerned and notice thereof shall be given to the parishioners at Divine Service on two previous Sundays and such petition then approved by a majority of the Parish Council or equivalent body.

5. Every such notice shall state the intention to apply for the proposed Ordinance and the general object of such ordinance, and shall also contain a notification that any counter petition in opposition to such Ordinance must be lodged with the Registrar within one month of the first publication of such notice.

6. Every such petition shall state that such notice has been given as aforesaid.
7. Every such petition shall be lodged with the Registrar, who shall present it to the Diocesan Council or the Synod for either of those bodies to consider the proposed 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.
9. Every counter petition in opposition to any such proposed Ordinance as aforesaid shall be lodged with the Registrar 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 or Synod when it considers the petition for the relevant ordinance. Such counter petition shall state the name and address of the person bringing the counter petition, and unless such counter 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 1935-2023".