

# Interpretation Ordinance 1985

(Reprinted under the Interpretation Ordinance 1985.)

The Interpretation Ordinance 1985 as amended by the Miscellaneous Amendments Ordinance 1989, the Miscellaneous Amendments Ordinance (No 1) 1991, the General Synod - Canon Law Repeal Canon 1989 Adopting Ordinance 1993, the Committee Membership Amendment Ordinance 1995, the Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995, the Presbyter (Amendment of Terminology) Ordinance 2006, the Parish Administration (Transitional Provisions) Ordinance 2008, the Interpretation Ordinance 1985 Amendment Ordinance 2009, the Clergy Retirements Amendment Ordinance 2010, the Regions (Mission Areas) Amendment Ordinance 2013, the Synod Membership Ordinance 1995 Amendment Ordinance 2016, the Miscellaneous Amendments Ordinance 2019, the Nomination Ordinance 2006 Amendment Ordinance 2020, the Interpretation Ordinance 1985 Amendment Ordinance 2021, the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022, the Interpretation Ordinance 1985 Amendment Ordinance 2023, and the Interpretation Ordinance 1985 Amendment Ordinance 2024.

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### Long Title

An Ordinance to simplify the preparation and construction of ordinances of the Synod.

### Preamble

Whereas

- A. Much work is caused in the administration of this Church by reason of having to repeat in long form in many ordinances of the Synod commonly occurring expressions.
- B. It is expedient that such ordinances be simplified.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

#### **1. Citation**

This Ordinance may be cited as the “Interpretation Ordinance 1985”.

#### **2. Preamble to an Ordinance**

Except where expressly provided by some Act or ordinance, it shall not be necessary for any ordinance to have a preamble.

#### **3. Commencement Date of an Ordinance**

Unless an ordinance otherwise provides it shall commence upon the date of receiving the Archbishop's assent.

#### **4. Text of Ordinances Made by the Synod**

A copy of an ordinance as printed in a Year Book of the Diocese whether published before or after the coming into operation of the ordinance shall be presumed to contain the true text of a valid ordinance of the Synod of the Diocese, and the date of assent so published shall be presumed to be the actual date of assent.

#### **5. Interpretation of Ordinances**

In all ordinances from time to time in force in the Diocese including ordinances enacted prior to the date of assent to this Ordinance, unless the contrary intention appears –

- (a) Definitions in the *Interpretation Act 1987* as from time to time in force shall apply.
- (b) Definitions in the *Parish Administration Ordinance 2008* as from time to time in force shall apply.
- (c) The words set out in the first Column of the Schedule to this Ordinance shall bear the meaning set out in the second Column of the Schedule.
- (d) The expression “insolvent under administration” has the same meaning as in the Corporations Law.
- (e) The expressions ‘Doctrine(s) of the Anglican Church of Australia’ and ‘Doctrine of this Church’ have the same meaning as ‘Doctrine’ set out in the Schedule.

#### **6. Gender and Singular/Plural**

In any ordinance unless the contrary intention appears words importing the masculine gender (other than a reference, however expressed, to a presbyter or bishop) shall include the feminine gender and the singular shall include the plural.

#### **6A. References to priest and presbyter**

In all ordinances from time to time in force in the Diocese the words “priest” and “presbyter” are synonyms.

#### **7. Updating References to Other Ordinances**

- (1) Where an Act or an ordinance or a provision of an Act or an ordinance is referred to in another ordinance and the Act, ordinance or provision so referred to has, at the time the reference is made, been amended or is subsequently amended, the reference extends to the Act, ordinance or provision as amended.
- (2) Subclause (1) applies to a reference to an Act or ordinance made before or after the date of assent to this Ordinance and whether the reference is contained in an Act or ordinance made before or after the date.

#### **8. Reprinting Ordinances which have been Amended**

The Diocesan Secretary is authorised to reprint any ordinance which has been amended by a subsequent ordinance, in such a format as will best indicate to members of the Church the text of the ordinance as currently in force. The clause headings and the table of provisions of an ordinance and any notes in an ordinance are not part of the text of that ordinance.

#### **8A. Reprinting Ordinances with Pre-Decimal References**

- (1) The Diocesan Secretary may reprint any ordinance which contains a reference to an amount of money in the currency provided for in the Acts repealed by section 7 (the “repealed Acts”) of the *Currency Act 1965 (Cth)* (the “Currency Act”).

(2) In reprinting an ordinance under subclause (1), the Diocesan Secretary may substitute a reference to the currency provided for in the repealed Acts for the corresponding amount of money in the currency provided for by the *Currency Act* calculated on the basis of the equivalents specified in subsection (4) of section 8 of that Act.

#### **8B. Reprinting Ordinances with Long Term Pooling Fund References**

The Diocesan Secretary may reprint any ordinance which contains a reference to the Anglican Church Property Trust's Long Term Pooling Fund, or any other derivations thereof, to remove the reference to the Anglican Church Property Trust.

#### **9. Repeal**

The *Amendments Incorporation Ordinance 1947* is hereby repealed.

#### **10. Updating Certain References**

Where a reference in an Act or ordinance is (by or under any Act or ordinance) to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to –

- (a) an act, matter, person or thing; or
- (b) an act, matter, person or thing by a particular description or title;

the Diocesan Secretary may in reprinting an ordinance in which the first mentioned reference occurs make such amendments to the ordinance as –

- (c) will result in the omission from the ordinance of the first mentioned reference and, unless inappropriate, the substitution therefor of the second mentioned reference; and
- (d) are incidental to or consequential on the omission or substitution or both.

#### **11. Reference to a Repealed Ordinance**

A reference in an ordinance to an ordinance which has been repealed may be construed as a reference to which clause 10 applies and may be amended in accordance with clause 10.

#### **11A. Effect of repeal of ordinance or exclusion of canon**

The repeal of an ordinance, or part of an ordinance, or the exclusion of a canon of the General Synod by which previous law was repealed shall not have the effect of reviving the previous law without express words to that effect.

#### **12. Canons of 1603**

A reference in this or in any other ordinance to the Canons of 1603 is a reference to the Constitutions and Canons Ecclesiastical agreed upon by the bishops and clergy of the Province of Canterbury in the year of Our Lord 1603 and known as the Canons of 1603 and includes any amendments thereto having force or effect in any part of This Church in this Diocese.

#### **13. Filling ex officio offices or positions as Registrar on a temporary basis**

A person who performs the duties of the Registrar in the absence of the Registrar or as an Acting Registrar fills any office or position that is held by the Registrar ex officio, except if the person already holds an office or position in the relevant body in another capacity.

#### **Schedule**

Archbishop's Executive Officer	- The person fulfilling the function of executive officer to the Archbishop regardless of the name that is given to their position.
Archdeacon for Women's Ministry	- The woman who is collated as an Archdeacon and appointed by the Archbishop to an office with or including responsibility for the oversight of women's ministry in the Diocese.
Assistant Bishop	- A person who hold the office of an assistant bishop in the Diocese.
Bodies Corporate Act	- <i>Anglican Church of Australia (Bodies Corporate) Act 1938</i> .
Chancellor	- The person appointed by the Archbishop under his hand and seal to be his Chancellor.
Church trust property	- The meaning ascribed to the phrase in Section 4 of the Trust Property Act.

Constitutions	- The paragraphs of the Schedule to the <i>Anglican Church of Australia Constitutions Act 1902</i> .
Dean	- The Rector of the Cathedral Church of St Andrew.
Diocesan Secretary	- The person appointed by the Standing Committee to be the Secretary of the Standing Committee.
Diocese	- The Diocese of Sydney.
Doctrine	- The teaching of the Anglican Church of Australia in the Diocese of Sydney on any question of faith. The sources of Doctrine include – <ul style="list-style-type: none"> <li>(a) canonical scriptures of the Old and New Testaments,</li> <li>(b) the Christian faith as professed by the Church of Christ from primitive times, and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed,</li> <li>(c) the commands, doctrine, sacraments and discipline of Christ,</li> <li>(d) the book of Common Prayer, the Ordinal and the Thirty-Nine Articles.</li> </ul> <p>For the avoidance of doubt, “Doctrine” includes both faith and practice and is not limited to its meaning in the majority opinions of the Appellate Tribunal on the Primate’s References re Wangaratta Blessing Services and the Newcastle Discipline Ordinance (11 November 2020).</p> <p>Doctrine may be declared in statements made by –</p> <ul style="list-style-type: none"> <li>(i) the Synod of the Diocese with the concurrence of the Archbishop, or</li> <li>(ii) the Archbishop-in-Council,</li> </ul> <p>provided that such statements are consistent with the sources of Doctrine in paragraphs (a), (b) and (c) above.</p>
Finance and Loans Board Metropolitan	- Sydney Church of England Finance and Loans Board. - The Archbishop of Sydney or in his absence or in the time of a vacancy in the See, the senior Diocesan Bishop of the Province according to Consecration.
Mission Area	- Means a group of parishes designated from time to time by the Archbishop as a Mission Area.
Lay Person	- Means a person who is not at the relevant time – <ul style="list-style-type: none"> <li>(a) ordained as a bishop, presbyter or deacon by a bishop of – <ul style="list-style-type: none"> <li>(i) the Anglican Church of Australia,</li> <li>(ii) a Church in communion with the Anglican Church of Australia, or</li> <li>(iii) a Church that is recognised as an Anglican Church by the Synod of the Diocese of Sydney, or</li> </ul> </li> <li>(b) received into an order of ministry of the Anglican Church of Australia by a bishop of the Anglican Church of Australia in accordance with the law of the Anglican Church of Australia,</li> </ul>
Long Term Pooling Fund (LTPF)	- The Long Term Pooling Fund established by the <i>Long Term Pooling Fund Ordinance 2012</i> .
Parish Council	- Includes the chapter of St Andrew’s Cathedral for the purposes of a particular Ordinance, if so determined by the Archbishop-in-Council.

Property Trust	– Anglican Church Property Trust Diocese of Sydney.
Province	– The Province of New South Wales consisting of the Dioceses of Sydney, Newcastle, Bathurst, Canberra/Goulburn, Armidale, Grafton and Riverina.
Rector	– A presbyter having a separate cure of souls in charge of a parish by whatever name called, and includes the Dean of Sydney for the purposes of a particular Ordinance, if so determined by the Archbishop in Council.
Region	– A part of the Diocese designated as a Region under the <i>Regions Ordinance 1995</i> .
Regional Archdeacon	– An Archdeacon who has jurisdiction of a Region.
Regional Bishop	– An Assistant Bishop who has the episcopal oversight of a Region or where the Archbishop has the episcopal oversight of a region, the Archbishop.
Regional Council	– The council of a Region constituted under the <i>Regions Ordinance 1995</i> .
Registrar	– The person appointed by the Archbishop under his hand and seal to be Registrar of the Diocese, or in the Registrar's absence the person appointed by the Archbishop to perform the duties of the Registrar either in the Registrar's absence or as the Deputy Registrar, or if there is a vacancy in the position of Registrar the person appointed by the Archbishop as the Acting Registrar.
Standing Committee	– The Committee appointed pursuant to the <i>Standing Committee Ordinance 1897</i> .
The 1961 Constitutions	– The <i>Anglican Church of Australia Constitution Act 1961</i> .
The 1902 Constitutions	– <i>Anglican Church of Australia Constitutions Act 1902</i> .
This Church	– The Anglican Church of Australia.
Trust Property Act	– <i>Anglican Church of Australia Trust Property Act 1917</i> .
Wardens	– Includes the Chapter of St Andrew's Cathedral for the purposes of a particular Ordinance, if so determined by the Archbishop in Council.

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### Table of Amendments

Clause 5	Amended by Ordinances Nos 32, 1989 and 23, 1995 and in accordance with clause 10 of this Ordinance. Amended by Ordinance No 28, 2008 and No 2, 2023.
Clause 6	Amended by Ordinance No 10, 2021.
Clause 6A	Inserted by Ordinance No 16, 2006.
Clause 8	Amended by Ordinances Nos 37, 1991 and 26, 2010.
Clause 8A	Inserted by Ordinance No 9, 2019.
Clause 8B	Inserted by Ordinance No 2, 2024.
Clause 10	Inserted by Ordinance No 32, 1989.
Clause 11	Inserted by Ordinance No 37, 1991.
Clause 11A	Inserted by Ordinance No 21, 2009.
Clause 12	Inserted by Ordinance No 30, 1993.
Clause 13	Inserted by Ordinance No 10, 2021.
Schedule	Amended by Ordinance No 32, 1995 and pursuant to clause 10 of this Ordinance. Amended by Ordinances Nos 16, 2006; 28, 2008; 45, 2013; 42, 2016; 9, 2019; 62, 2020; 10, 2021, No 38, 2022, No 2, 2023, and No 2, 2024.

NAOMIE NGUYEN

**Lawyer**

15 February 2024

BRIONY BOUNDS

**Diocesan Secretary**