

Delegation of Powers Ordinance 1998

(Reprinted under the Interpretation Ordinance 1985.)

The Delegation of Powers Ordinance 1998 as amended by the Delegation of Powers (Provident Fund) Amendment Ordinance 2004 and the Delegation of Powers Ordinance 1998 Amendment Ordinance 2014.

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An Ordinance to delegate certain powers of the Synod and for incidental matters.

The Synod of the Diocese of Sydney Ordains –

Part 1 - General Matters

1. Name of Ordinance

This Ordinance is the Delegation of Powers Ordinance 1998.

2. Repeal and Transitional

(1) Clause 1 of the Delegation of Powers and Ordinance Procedure Ordinance 1973 is repealed and the following is inserted instead –

“1. This Ordinance is the Ordinance Procedure Ordinance 1973.”

(2) Clauses 4, 5, 6 and 7 of, and the Second and Third Schedules to, the Delegation of Powers and Ordinance Procedure Ordinance 1973 are repealed.

(3) Clause 3(2) does not affect or invalidate any ordinance made, or any act done, prior to the commencement of this Ordinance.

3. Commencement Date

This Ordinance commences on the date of assent.

4. Definitions

In this Ordinance –

Archbishop means the Archbishop or any other person who for the time being is authorised to assent to an ordinance of the Synod or the Standing Committee.

Bodies Corporate Act means the Anglican Church of Australia (Bodies Corporate) Act 1938.

Provident Fund Act means the Anglican Clergy Provident Fund (Sydney) Act 1908.

Trust Property Act means the Anglican Church of Australia Trust Property Act 1917.

1902 Constitutions means the Constitution set out in the Schedule to the Anglican Church of Australia Constitution Act 1902.

1961 Constitution means the Constitution set out in the Schedule to the Anglican Church of Australia Constitution Act 1961.

Part 2 - Delegation of Powers

5. Delegation of Powers

(1) During the recess of the Synod, the Standing Committee, in the place of the Synod, may exercise all or any of the powers and functions and do and make such of the things as are referred to in –

- (a) the following sections of the Trust Property Act –
Sections 11, 12, 14, 15, 16, 19, 24, 25, 26, 26A, 27, 27A, 32, 32A, 32B and 37; and
- (b) the following sections of the Bodies Corporate Act –
Sections 4, 5, 6, 7, 10 and 11; and
- (c) subject to Article 7(2) of the 1902 Constitutions, the following articles of the 1902 Constitutions –
Articles 2(1) and 3(2); and
- (d) the following sections of the Provident Fund Act –
Sections 3(2) and 8; and
- (e) the following sections of the 1961 Constitution –
Sections 28A(2) and (3),
and permits the Standing Committee to assent to a bill in exercise of this delegated authority by ordinance only.

(2) Notwithstanding clause 5(1), the Standing Committee may not make an ordinance under section 26 of the Trust Property Act if –

- (a) the proposed ordinance relates to church trust property held for the sole benefit of a particular parish; and
- (b) the majority of the parish council (if any) for the time being of that parish has not consented in writing to the making of that ordinance.

(3) Any ordinance proposed to be made by the Standing Committee partly or wholly under the powers referred to in clause 5(1) at any stage before the proposed ordinance is assented to –

- (a) may be referred to the Synod by the Archbishop; and
- (b) must be referred to the Synod by the Archbishop upon the request in writing of any 3 members of the Standing Committee,

and, if so referred, assent must be withheld.

6. Procedures

In exercising the powers and functions and doing and making the things referred to in the sections and articles referred to in clause 5(1) the Standing Committee must follow the procedure in the Standing Orders of the Synod and the Ordinance Procedure Ordinance 1973, so far as that procedure can be applied.

7. Reporting

The Standing Committee must report to the Synod from time to time on any exercise of the powers and functions or the doing or making of such of the things as are referred to in the sections and articles referred to in clause 5(1).

8. Enquiry into proposed Ordinances

(1) During the recess of the Synod the Standing Committee may consider any proposed ordinance notwithstanding that leave to introduce the proposed ordinance has or has not been obtained from the Synod.

(2) If –

- (a) an application is made for an ordinance to direct the sale or other dealing with church trust property under section 26 of the Trust Property Act;
- (b) the church trust property is held for the sole benefit of a particular parish; and

- (c) the consent of the majority of the parish council (if any) for the time being of the parish for whose benefit the church trust property is held has not been given in writing,

then, after so many of the procedures set out in the Ordinance Procedure Ordinance 1973 as can be applied have been followed, the Standing Committee, if it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed, may refer the ordinance to the next ordinary session of the Synod with a report giving its reasons why it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed.

9. Amendment of the Standing Orders Ordinance 1968

The Schedule to the Standing Orders Ordinance 1968 is amended by inserting the following clause after clause 68 –

“68A. If an ordinance proposed to be made by the Standing Committee is referred to the Synod under clause 5(2) of the Delegation of Powers Ordinance 1998 then –

- (a) if the proposed ordinance is referred to the Synod before the Standing Committee has passed a motion that the bill be read a first time – consideration of the proposed ordinance by the Synod shall commence with a motion for leave to introduce the ordinance in accordance with Standing Order 64(1); and
- (b) if the proposed ordinance is referred to the Synod at any time after the Standing Committee has passed a motion that the bill be read a first time - the Synod shall be taken to have passed a motion that the bill be read a first time and consideration of the proposed ordinance by the Synod shall commence upon a motion that the ordinance be read a second time.”.

Table of Amendments

Clause 4	Amended by Ordinances Nos 35, 2004 and 37, 2014.
Clause 5	Amended by Ordinances Nos 35, 2004 and 37, 2014.

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