

HISTORICAL BUILDINGS PRESERVATION COUNCIL ORDINANCE 1978

No. 37, 1978

AN ORDINANCE to establish the Historical Buildings Preservation Council and for matters incidental thereto.

WHEREAS

A. Within the Diocese of Sydney there are churches and other buildings being church trust property within the meaning of the Church of England Trust Property Act 1917 (as amended) which should be preserved as part of our heritage.

B. There are occasions when the costs of preservation of such buildings exceed the available church trust property which can be applied in meeting the same.

C. Synod by resolution No. 13/77 appointed a committee to investigate these matters.

D. The said committee has concluded that it is desirable that provision be made to advise and assist parishes or bodies in the preservation of such buildings and has recommended the establishment of an Historical Buildings Preservation Fund.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This ordinance may be cited as the "Historical Buildings Preservation Council Ordinance 1978".

2. In this ordinance, unless inconsistent with the context or subject matter:-

"Archbishop" means the Archbishop of Sydney.

"Body" means a council, committee or other body, whether incorporated or not, established under an ordinance of Synod.

"Council" means the Historical Buildings Preservation Council constituted pursuant to clause 5.

"Fund" means the fund established under this ordinance.

"Historical Building" means church trust property within the meaning of the Church of England Trust Property Act 1917 (as amended) held upon trust for the Church of England in Australia in the Diocese of Sydney comprising a church or other building which in the opinion of the Standing Committee is a suitable place for contemporary use or contemporary worship and should be retained for these purposes and which has been classified by the Council as an historical building pursuant to clause 6(a).

"Parish" includes a parish, provisional parish, provisional district, new housing district or other ecclesiastical district.

"Preservation" includes maintenance and restoration.

"Standing Committee" means the Standing Committee of the Synod.

"Synod" means the Synod of the Diocese of Sydney.

3. The Council may establish a Fund named the "Historical Buildings Preservation Fund".

4. The object of the Fund shall be to assist in the preservation of historical buildings.

5. (1) The Fund shall be controlled by the Council, to be known as the "Historical Buildings Preservation Council", comprising:-

(a) the Archbishop or his nominee;

(b) two clergymen appointed by the Standing Committee;

(c) four lay persons appointed by the Standing Committee; and

(d) one person appointed by the Parramatta Anglican Regional Council and one person appointed by the Wollongong Zone Council.

(2) The members of the Council to be appointed by Standing Committee, Parramatta Anglican Regional Council and Wollongong Zone Council shall be appointed before the 31st of December in the year in which the first ordinary session of each Synod is held and shall hold office until the succeeding appointments are made in accordance with this clause or until the Standing Committee by resolution declares a vacancy to exist. Casual vacancies shall be filled as provided for in the Casual Vacancies Ordinance 1935 as amended.

(3) From among its members, the Council shall appoint a Chairman and such other officers as it considers necessary. The Chairman of a meeting shall have a deliberative as well as a casting vote.

(4) The quorum at a meeting of the Council shall be four members.

6. The Council may:-
 - (a) Evaluate and, if thought fit, classify buildings as "historical buildings" for the purposes of this ordinance.
 - (b) Advise the Archbishop and Standing Committee on matters relating to the preservation of historical buildings.
 - (c) Liaise with other Christian denominations and government and other bodies in matters concerning the preservation of historical buildings.
 - (d) Negotiate with the approval of Standing Committee with other Christian denominations and with government and other bodies in matters concerning the preservation of historical buildings.
7. In relation to the preservation of historical buildings, the Council may:-
 - (a) Give advice generally.
 - (b) Give advice on and support special appeals made by parishes or bodies.
 - (c) Assist parishes or bodies in seeking advice and financial support from government and other organisations.
 - (d) Make grants or loans to parishes or bodies including grants towards the servicing of loans.
8. The Council shall have all powers necessary for carrying out the objects of the Fund and, without limiting the generality thereof, power to:-
 - (a) Employ staff and engage consultants.
 - (b) Receive funds, grants or legacies from private, diocesan, government or other sources.
 - (c) Raise funds by public appeal or otherwise but excluding levies made on parochial units pursuant to the provisions of the Assessment Authorisation Ordinance 1975.
 - (d) Invest moneys in accordance with the Investment of Church Trust Property Ordinance 1978 or any ordinance amending or replacing the same and apply a part or all of the income in building up the Fund.
 - (e) Realise investment and apply the proceeds for the purposes of the Fund.
 - (f) Determine, at its discretion in a particular case, if assistance should be given, and if so, by what means and to what extent.
 - (g) Enter into such agreements as may be necessary for arranging the assistance referred to in paragraph (f) of this clause.
 - (h) Make regulations to control the operation of the Fund provided that any regulations so made shall not take effect until approved by Standing Committee by resolution thereof.
 - (i) Appoint advisory committees answerable to the Council which may include persons who are not members of the Council.
9. The Council shall present a report in respect of its activities to each ordinary session of Synod and shall comply in all respects with the Accounts Ordinance 1975 or any ordinance amending or replacing the same.

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

N.M. CAMERON
Deputy Chairman of Committees

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this tenth day of October 1978.

R.J. BOMFORD
W.G.S. GOTLEY
Secretaries of Synod

I assent to this Ordinance.

M.L. LOANE
Archbishop of Sydney

10/10/1978.