

Local Revenues Amendment Ordinance 2001

No 1, 2001

Long Title

An Ordinance to amend the Parishes Ordinance 1979 and the Presentation and Exchange Ordinance 1988.

Preamble

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows -

1. Name

This Ordinance is the Local Revenues Amendment Ordinance 2001.

2. Amendment of the Parishes Ordinance 1979

The Parishes Ordinance 1979 is amended as follows -

- (a) the definition of "local revenues" in clause 1(1)(h) is deleted and the following is inserted instead -
 - "(h) 'local revenues' means all money received for the purposes of an ecclesiastical district but does not include -
 - (i) income from property, or
 - (ii) money given to the ecclesiastical district by any body corporate or organisation created or regulated by an ordinance of the Synod or the Standing Committee, or
 - (iii) money given to the ecclesiastical district for a specified purpose, other than a purpose for or in relation to the minister's stipend, travelling expenses, superannuation or long service leave.", and
- (b) clause 1(6) is deleted and the following is inserted instead -
 - "(6) This Ordinance is the Parishes Ordinance 1979.", and
- (c) clause 6(a) is deleted and the following is inserted instead -
 - "(a) during the financial year before the date on which the proposal is received by the Standing Committee the local revenues of the ecclesiastical district were not less than the sum of the following amounts for that financial year -
 - (i) the minimum stipend for a minister recommended by the Standing Committee, and
 - (ii) the fixed component of the travel allowance for a minister recommended by the Standing Committee, and
 - (iii) the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975, and", and
- (d) clause 6(b) is deleted and the following is inserted instead -
 - "(b) during the financial year before the date on which the proposal is received by the Standing Committee, or such part of that financial year as a member of the clergy was licensed as minister, the minister was paid or provided with -
 - (i) a stipend or benefits in lieu of stipend the amount or value of which, in total, was not less than that part of the minimum stipend referred to in clause 6(a)(i) which was required to be paid or provided to the minister, and
 - (ii) a travel allowance or travel benefit not less than that part of the fixed component of the travel allowance referred to in clause 6(a)(ii) which was required to be paid or provided to the minister, and
 - (iii) the free use of a residence approved as suitable by the Archbishop.", and
- (e) clause 6(c) is deleted and the following is inserted instead -
 - "(c) all cost recoveries charges (including any arrears) due and payable by the parish under the Assessment and Charges Ordinance 1975 have been paid.",
- (f) clause 8(1) is deleted and the following is inserted instead -
 - "(1) If, for each of 3 consecutive financial years, the local revenues of a parish during a financial year were less than the sum of the following amounts for that financial year -
 - (a) the minimum stipend for a minister recommended by the Standing Committee, and
 - (b) the fixed component of the travel allowance for a minister recommended by the Standing Committee, and
 - (c) the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975,then, subject to subclause (1A), the parish ceases to be a parish and becomes a provisional parish on -
 - (d) the last day of the financial year which immediately follows the 3rd of those consecutive financial years, or
 - (e) such later date as is determined by the Standing Committee by resolution.

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(1A) The Synod or the Standing Committee, by resolution, may determine during the financial year which follows the 3rd of the consecutive financial years referred to in subclause (1) that subclause (1) does not apply to a parish specified in the resolution for such period as the Synod or the Standing Committee determines.”.

3. Amendment of the Presentation and Exchange Ordinance 1988

The Presentation and Exchange Ordinance 1988 is amended as follows -

- (a) clause 1 is deleted and the following is inserted instead -
 - “1. Name of Ordinance**
 - This Ordinance is the Presentation and Exchange Ordinance 1998.”, and
- (b) in clause 2 -
 - (i) the following definition of “local revenues” is inserted after the definition of “diocesan representative”-
 - “local revenues’ means all moneys received for the purposes of a parish but does not include -
 - (a) income from property, or
 - (b) money given to the parish by any body corporate or organisation created or regulated by an ordinance of the Synod or the Standing Committee, or
 - (c) money given to the parish for a specified purpose, other than a purpose for or in relation to the rector’s stipend, travelling expenses, superannuation or long service leave.”, and
 - (ii) the definition of “stipend derived from local sources” is deleted, and
- (c) clause 8 is deleted and the following is inserted instead -
 - “8. Right to elect Parish Representatives**
 - (1) A parish may only elect parish representatives if -
 - (a) during the period of 12 months before the date of the election the local revenues of the parish were not less than the sum of the following amounts-
 - (i) the minimum stipend for a minister recommended by the Standing Committee, and
 - (ii) the fixed component of the travel allowance for a minister recommended by the Standing Committee, and
 - (iii) the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975, and
 - (b) during the period of 12 months immediately before the election, or such part of that period as a member of the clergy was licensed as rector, the rector was paid or provided with -
 - (i) a stipend or benefits in lieu of stipend the amount or value of which, in total, is not less than that part of the minimum stipend referred to in clause 8(1)(a)(i) which was required to be paid or provided to the rector, and
 - (ii) a travel allowance or travel benefit not less than the fixed component of the travel allowance referred to in clause 8(1)(a)(ii) which was required to be paid to the rector, and
 - (iii) the free use of a residence approved as suitable by the Archbishop, and
 - (c) at the date of the election all cost recoveries charges (including any arrears) due and payable by the parish under the Assessment and Charges Ordinance 1975 have been paid.
 - (2) The value of benefits provided to a rector in lieu of stipend is only to be taken into account for the purposes of clause 8(1)(b) if the benefits were provided to the rector in accordance with guidelines approved by the Standing Committee.”,
- (d) clause 15 is deleted and the following is inserted instead -
 - “15. Preconditions to obtaining benefits under this Ordinance**
 - (1) A parish which has duly elected parish representatives only has the benefits under this Ordinance concerning the presentation of a clergyman to the Archbishop if-
 - (a) during the period from the election of the parish representatives until the occurrence of the vacancy the local revenues of the parish were not less than the sum of the following amounts -
 - (i) that part of the minimum stipend for a minister recommended by the Standing Committee which was required to be paid as stipend to the rector during that period, and
 - (ii) that part of the fixed component of the travel allowance for a minister recommended by the Standing Committee which was required to be paid during that period, and

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- (iii) that part of the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975 which was required to be paid during that period, and
 - (b) during the period from the election of the parish representatives until the occurrence of the vacancy the rector was paid or provided with -
 - (i) a stipend or benefits in lieu of stipend the amount or value of which, in total, is not less than the minimum stipend recommended by the Standing Committee for a minister, and
 - (ii) a travel allowance or travel benefits in lieu of at least the amount recommended by the Standing Committee for a minister, and
 - (iii) the free use of a residence approved as suitable by the Archbishop, and
 - (c) at the date of the occurrence of the vacancy all cost recoveries charges (including any arrears) due and payable by the parish under the Assessment and Charges Ordinance 1975 have been paid.
- (2) The value of benefits provided to a rector in lieu of stipend is only to be taken into account for the purposes of clause 15(1)(b) if the benefits were provided to the rector in accordance with guidelines approved by the Standing Committee.”.

4. Transitional

- (1) This Ordinance commences on the date of assent.
- (2) Nothing in this Ordinance affects the validity of the election of parish representatives who are duly elected under the Presentation and Exchange Ordinance 1988 prior to the date of commencement of this Ordinance.
- (3) The amendments made by this Ordinance do not apply to a financial year or any other period of time specified in the Parishes Ordinance 1979 or the Presentation and Exchange Ordinance 1988 which commences on or before 31 December 2001. For such financial year, or other period of time, the provisions of the Parishes Ordinance 1979 and the Presentation and Exchange Ordinance 1988 continue to apply as if this Ordinance had not been made.

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

N M CAMERON
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 19 February 2001.

M A PAYNE
Secretary

I Assent to this Ordinance.

R H GOODHEW
Archbishop of Sydney
21/2/2001