

ORDINANCES INTERPRETATION AND PUBLICATION ORDINANCE 2011

AN ORDINANCE to provide for the interpretation, publication and revision of the Ordinances and for related purposes.

BE IT THEREFORE Ordained by the Diocesan Council of the Diocese of Newcastle exercising the powers conferred by the Synod (Delegation of Powers) Ordinance 2009 hereby determines:

PART 1 – PRELIMINARY

Short Title

- This Ordinance may be cited for all purposes as the ***Ordinances Interpretation and Publication Ordinance 2011***.

Definitions

- In this Ordinance, unless the context or subject matter otherwise provides, the word:

consolidate	means incorporate into an Ordinance, amendments made by a subsequent Ordinance.
minor error	means: <ul style="list-style-type: none"> a typographical or clerical error; a grammatical error, spelling error or error of punctuation; an error in numbering or designation, cross-referencing or alphabetical ordering.
publish	includes republish.
revise	includes consolidate.

Application of Ordinance

- This Ordinance applies to all Ordinances of the Synod including ordinances enacted prior to the date of assent to this Ordinance.

PART 2 – THE INTERPRETATION OF ORDINANCES

Application of the Interpretation Act 1987

- In an Ordinance unless the contrary intention appears, or the context determines otherwise the provisions of the Interpretation Act 1987 of New South Wales shall apply.

Definitions

- In an Ordinance unless the contrary intention appears the definitions in the Administration of Parishes Ordinance 2010, the Clerical Ministry Ordinance 2009 and the Synod (Delegation of Powers) Ordinance 2009 shall apply.

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References to Month or Time

6. In an Ordinance
 - a. unless the contrary intention appears - "month" means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.
 - b. Where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event.
 - c. Where the last day of any period prescribed or allowed for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

References to Writing, Documents and Records

7. In an Ordinance, unless the contrary intention appears:
 - a. "document" includes:
 - i. any paper or other material on which there is writing; and
 - ii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
 - iii. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or service;
 - b. "record" includes information stored or recorded by means of a computer or other electronic means;
 - c. "writing" includes any mode of representing or reproducing words, figures, drawings, or symbols in a visible form whether produced or transmitted on paper, other material or electronically

Construction of Rules Made Under Ordinances

8. If an Ordinance confers power to make a rule or regulation, expressions used in a rule or regulation made in the exercise of that power, shall, unless the contrary intention appears, have the same respective meanings as they have in the Ordinance conferring the power as amended and in force for the time being (or if not used in the Ordinance, would have if so used).

Effect of Repeal of Ordinance or Exclusion of Canon

9. 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.

References to Ordinances to Include Amendments

10. Any reference in an Ordinance to another Ordinance may be taken to include a reference to any Ordinance amending or replacing that Ordinance.

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Citation of Ordinances

11. An Ordinance, whenever made, may be cited by its short title abbreviated by omitting reference to any year except for the year in which it was made.

PART 3 – REVISION OF ORDINANCES

12. The Diocesan Chief Executive may authorise the revision of an Ordinance in accordance with the provisions of this Ordinance but may not authorise the revision of an ordinance which would change the effect of the Ordinance.
13. In revising an Ordinance under this Ordinance:
- a. a reference to an Ordinance or Act or a provision of an Ordinance or Act for which some other Ordinance, Act or provision has been substituted may be altered to a reference to the substituted Ordinance, Act or provision; and
 - b. a reference to a name, title or citation of any place, person, authority, Act or Ordinance that has been changed by another Act or Ordinance may be altered to the name, title or citation as so changed; and
 - c. a reference to a name, title or citation of any place, person or authority for which the Bishop has the authority to designate or change may be altered to the name, title or citation approved by the Bishop; and
 - d. provisions that are spent or have expired or otherwise ceased to have effect may be removed; and
 - e. a word importing the masculine only where the meaning is also intended to include the feminine may be altered so as produce gender-neutral, or gender-inclusive, wording (and any consequential alterations to any associated word or words may be made) and, without limiting the foregoing, the following alterations may be made:
 - i. “clergyman” may be altered to “member of the clergy”;
 - ii. “synodsmen” may be altered to “member of the Synod”;
 - iii. a phrase incorporating a masculine pronoun may, if appropriate, be altered so as to also include a feminine pronoun (together with the word “or” between the two pronouns); and
 - f. if the Ordinance contains a minor error or would contain a minor error if consolidated in a particular way, the Ordinance may be expressed in a different way so as to correct or avoid the error; and
 - g. formatting of any other matter related to presentation may be altered (including, for example, the setting out of provisions, the type, the placement of conjunctives and disjunctives and the use of capital letters, punctuation, hyphens, italics, holding and quotation marks); and
 - h. explanatory notes may be added.
14. In revising an Ordinance nothing prevents the alteration or removal in the course of a revision of material that appears within an Ordinance but does not form part of the Ordinance for interpretation purposes (such as section headings), nor does anything prevent the inclusion of further such material in the course of revision provided that any explanatory notes included in an Ordinance as part of a revision will not form part of the Ordinance and will not be used for

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interpretation purposes.

15. In revising an Ordinance, a legislative history note must be made in such manner and form as is consistent with the manner and form applied by the Parliament of New South Wales.
16. Any revised Ordinance shall be deemed publishable on the date determined by the Diocesan Chief Executive.

PART 4 – PUBLICATION OF ORDINANCES

Forms of Publication

17. The Diocesan Chief Executive is authorised to:
 - a. publish any Ordinance and
 - b. publish any revised Ordinance that has been deemed to be publishable.
18. An Ordinance (whether or not revised) may be published by
 - a. publishing a printed copy of the Ordinance.
 - b. publishing an electronic copy of the Ordinance on a website or otherwise, as determined by the Diocesan Chief Executive.
19. Where the Diocesan Chief Executive considers it appropriate, an Ordinance that has been revised may be republished in parts so that only those parts affected are substituted and, in that event, the republication will be taken to comprise the substituted parts together with the most recent republication of each other part of the Ordinance.

Publication of Other Documents

20. Where the Bishop or the Diocesan Chief Executive considers it appropriate, the Diocesan Chief Executive may publish with an Ordinance such other documents, or extracts of documents, as may be relevant to the welfare and good government of The Anglican Church of Australia in the Diocese.

PART 5 – RELATED MATTERS

Evidentiary Provision

21. A printed copy of an Ordinance the publication of which has been undertaken under this Ordinance and bearing the date of passing or confirming as the case may be will be prima facie evidence of the terms of the Ordinance as passed by Synod and of the date on which it was passed or confirmed as the case may be.
22. A printed copy of an Ordinance that has been revised and then published under this Ordinance will be prima facie evidence of the terms of the Ordinance as revised (and, if amendments made to the Ordinance by another Ordinance have been incorporated, of the

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terms of the Ordinance as amended), as to the date of the publication.

Diocesan Council may issue directions

23. The Diocesan Council may prepare and issue to the Diocesan Chief Executive such directions as the Diocesan Council considers desirable for the purposes of this Ordinance and the Diocesan Chief Executive must, in acting under this Ordinance, comply with any such direction.

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PART 6 – ORDINANCE ADMINISTRATION

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