

ORDINANCES PUBLICATION ORDINANCE 2004

AN ORDINANCE to provide for the publication and revision of the Ordinances of Synod; to repeal The Ordinances Publication Ordinance 1980; and for other purposes.

THE SYNOD HEREBY DETERMINES

Part 1 – Preliminary

Title

1. This Ordinance may be cited as the “Ordinances Publication Ordinance 2004”.

Interpretation

2. In this Ordinance, unless the contrary intention appears:

“consolidate” means incorporate into an Ordinance amendments made by a subsequent Ordinance;

“minor error” means:

- (a) a typographical or clerical error;
- (b) a grammatical error, spelling error or error of punctuation;
- (c) an error in numbering or designation, cross-referencing or alphabetical ordering;

“publish” includes republish;

“revise” includes consolidate.

Application of Ordinance

3. (1) This Ordinance applies to all Ordinances of the Synod.
(2) This Ordinance applies to the Constitution as if a reference to an “Ordinance” included a reference to the Constitution.
(3) However, the Constitution may not be subject to any revision under section 4(2)(a) to (e) (inclusive).

Part 2 – Publication and revision of Ordinances**Secretary of Synod authorized to undertake publication and revision**

4. (1) The Secretary of Synod is authorized:
 - (a) to publish any Ordinance;
 - (b) to revise any Ordinance and to publish copies of the revised Ordinance.

- (2) In revising an Ordinance under this section:
 - (a) a reference to an Ordinance or a provision of an Ordinance for which some other Ordinance or provision has been substituted may be altered to a reference to the substituted Ordinance or provision; and
 - (b) a reference to a name, title or citation of any place, person, authority or Ordinance that has been changed by another Ordinance may be altered to the name, title or citation as so changed; and
 - (c) provisions that are spent or have expired or otherwise ceased to have effect may be removed; and
 - (d) 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) “synodsman” 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
 - (e) 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
 - (f) 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
 - (g) explanatory notes may be added.

- (3) Subsections (1) and (2) do not permit alterations to an Ordinance that would change the effect of the Ordinance.
- (4) 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.
- (5) Any explanatory notes included in an Ordinance as part of a revision do not form part of the Ordinance and will not be used for interpretation purposes.
- (6) If an Ordinance is revised, a legislative history note must be made in such manner and form as the Secretary of Synod thinks fit.

Forms of publication

5. (1) An Ordinance (or an Ordinance as revised) may be published by publishing a printed copy of the Ordinance.
- (2) An Ordinance (whether or not revised) may be published by publishing an electronic copy of the Ordinance from a website or otherwise, as determined by the Secretary of Synod.
- (3) Where the Secretary of Synod 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

6. Where the Secretary of Synod considers it appropriate, he or she 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.

Diocesan Council may issue directions

7. The Diocesan Council may prepare and issue to the Secretary of Synod such directions as the Diocesan Council considers desirable for the purposes of this Part and the Secretary of Synod must, in acting under this Part, comply with any such direction.

Part 3 – Related matters**References to Ordinances to include amendments**

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

Citation of Ordinances

9. 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.

Evidentiary provision

10. (1) 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.
- (2) 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 terms of the Ordinance as amended), as to the date of the publication.

Repeal provision

11. (1) The Ordinances Publication Ordinance 1980 is repealed.
- (2) An Ordinance or other document printed, consolidated or published under the Ordinance repealed under subsection (1) will continue to have full effect (including the evidentiary effect provided by that Ordinance) despite the repeal (and may then be revised by the Secretary of Synod under this Ordinance).

Passed on 23 May 2004