

AN ORDINANCE to consolidate the Ordinances relating to the appointment of Clergymen to the Incumbency of Parishes and to amend the same by increasing the number of Synod Nominators and by providing that presentation of Clergymen shall be made by concurrent majorities of Synod Nominators and Parochial Nominators.

WHEREAS it is desirable to regulate the appointment of Clergymen to the Incumbency of Parishes within the Diocese of Sydney The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales ordains and rules as follows:—

REPEAL.

1. The "Presentation Ordinance of 1895" the "Presentation Amendment Ordinance of 1912" the "Presentation Further Amendment Ordinance of 1919" and the "Presentation Further Amendment Ordinance of 1923" are hereby repealed but such repeal shall not affect or invalidate any act done or appointment or election made under or by virtue of such Ordinances and all persons appointed or elected thereunder and holding office at the passing of this Ordinance shall remain in office as if this Ordinance had been in force at the time they were appointed or elected and they had been appointed or elected hereunder and this Ordinance shall apply to them accordingly.

INTERPRETATION.

2. In this Ordinance unless inconsistent with the context—

- (a) "Annual Vestry Meeting" means any Annual Vestry Meeting and "Vestry Meeting" means any Vestry Meeting held in pursuance of the provisions of the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same.
- (b) "Archbishop" means the Archbishop for the time being of the Diocese of Sydney.

- (c) "Archbishop in Council" shall have the same meaning as in the "Sydney Church Ordinance 1912" or any Ordinance amending or taking the place of the same.
- (d) "Parish" shall not comprise any area which shall for the time being form the whole or any portion of a Provisional District.
- (e) "Parochial Nominators" shall mean Nominators appointed or elected by or on behalf of a Parish under this Ordinance and for the time being holding office.
- (f) "Synod Nominators" shall mean Nominators elected by or on behalf of the Synod under this Ordinance and for the time being holding office.

CONSTITUTION OF SYNOD NOMINATORS.
ELECTION.

3. During the first Session of every Synod five persons (comprising at least two Clergymen and at least two Laymen) being respectively members of the Synod and Residents in the Diocese shall be elected by the Clergymen and Representative members voting collectively to be Nominators for the purposes of this Ordinance.

TENURE.

4. The persons so elected as aforesaid shall subject as next hereinafter provided continue in office until the first Session of the next ensuing Synod.

VACANCIES.

5. A vacancy in the office of Synod Nominator shall be caused by death resignation absence from the State for a period of three months or ceasing to be a member of Synod.

FILLING VACANCIES.

6. Each vacancy shall within two (2) months after the same has arisen or been caused be filled by the Synod if in Session or by the Standing Committee of the Synod if the Synod shall not be in Session. The member so elected by the Standing Committee shall remain a member only until the meeting of the then next ensuing Session of Synod and at such Session the vacancy may be filled.

CONSTITUTION OF PAROCHIAL NOMINATORS.

PARISHES ENTITLED.

7. (i.) The right to elect Parochial Nominators under this Ordinance shall vest in the Parish and only in the Parish in which provision shall have been made for securing to the Clergyman

- (a) from local sources a stipend of at least three hundred pounds per annum or such other sum as Synod by resolution may from time to time appoint and the Archbishop one month after the passing of the resolution shall in writing approve;
- (b) a suitable residence or an adequate allowance in lieu thereof;

and which Parish has during the financial year preceding the time being paid and provided for and has since continued to pay and provide for the Clergyman such stipend and residence or allowance as aforesaid and which Parish shall have paid all amounts due for Synod and Registry expenses up to the thirty-first day of March in the preceding financial year.

(ii.) The Archbishop may require proof to his satisfaction that the conditions of this Section have been duly complied with and shall so certify to the Board of Nominators before they proceed to nomination.

(iii.) In the event of the Archbishop not being satisfied that the conditions aforesaid have been complied with, the matter shall be referred to the Archbishop in Council whose decision shall be final.

ELECTION.

8. (a) Each Parish entitled to elect Parochial Nominators under this Ordinance shall elect as Parochial Nominators five lay persons being males and Communicants of the age of twenty-one years or upwards and resident within the Diocese.

(b) If there be only one Church in the Parish then such Nominators may be elected by the Annual Vestry Meeting of such Church.

(c) If there be two or more Churches in the Parish under the charge of the Clergyman such Nominators shall be elected

by the adult Parishioners of each of such Churches at such one of the Annual Vestry Meetings within the said Parish or at a meeting held at such other time and place as the Archbishop shall in writing from time to time direct. Provided that upon the requisition of the Parish Council the Archbishop may in writing direct that such Nominators shall be elected at the Annual Vestry Meeting of two or more Churches in such proportion as the Archbishop after consideration of such requisition shall appoint.

(d) No Meeting shall be entitled to proceed to an election of Parochial Nominators unless there are at least nine persons present qualified to vote.

TENURE.

9. The persons so elected as aforesaid shall subject as next hereinafter provided continue in office until the next ensuing Annual Vestry or other Meeting similar to the Meeting at which they were respectively elected.

VACANCIES.

10. A vacancy shall be caused by death resignation or absence from the State for fourteen consecutive days during a vacancy in the Incumbency of the Parish without the leave of the Board of Nominators.

FILLING VACANCIES.

11. Each vacancy shall be filled if there be only one Church in the Parish by a Vestry Meeting of the Church the Annual Vestry Meeting whereof elected the Nominator whose office shall have so become vacant or if there be two or more Churches in the Parish under the charge of the Clergyman in such manner and by such electors as the seat rendered vacant was filled. If such vacancy be not so filled within four weeks after the vacancy shall have arisen or been caused then it may be filled by the remaining Nominator or Nominators and if he or they shall not fill such vacancy within a further period of four weeks the same may be filled by the Archbishop.

REPORT OF ELECTIONS.

12. The Chairman of each Annual Vestry Meeting which has elected Parochial Nominators and in the cases of vacancies filled

by a Nominator or Nominators he and they within thirty days from the date of such meeting or of the filling of such vacancy as the case may be shall forward to the Registrar, of the Diocese a list duly certified by him or them setting out fully the names occupations and addresses of such elected Nominators. Provided that the omission to send to the Registrar such list duly certified shall not invalidate any election of Nominators but such Nominators may act if the Archbishop is satisfied they were duly elected and has so certified to the Synod Nominators.

BOARD OF NOMINATORS AND PROCEDURE.

BOARD.

13. Upon a vacancy occurring in the Incumbency of any Parish for which there are for the time being duly elected Parochial Nominators a Board of Nominators shall ipso facto be constituted of the Synod Nominators and the Parochial Nominators of such Parish.

PRESENTATION AND APPOINTMENT TO FILL VACANCY.

14. Upon a vacancy occurring in the Incumbency of any such Parish the Archbishop shall cause each member of such Board of Nominators to be informed in writing of such vacancy and the said Board shall present to the Archbishop a duly ordained Clergyman being in the Holy Order of Priesthood to be appointed by the Archbishop to the said Incumbency and the Archbishop shall appoint and license such Clergyman to the said Incumbency unless the Archbishop shall be satisfied that there is good and sufficient reason for refusing to accept the presentation so made to him as aforesaid.

CONFERENCE WITH ARCHBISHOP.

15. The said Board of Nominators before exercising the powers and authorities by this Ordinance conferred upon it shall meet in conference with the Archbishop at such time and place as the Archbishop shall appoint and shall notify by one week's notice in writing despatched by post to each member of such Board addressed to his usual or last known place of residence

in the State of New South Wales. Provided always that failing a conference within one month after the members of such Board of Nominators shall have been so informed as aforesaid of the said vacancy the conference herein provided for shall in the case of such vacancy be dispensed with

RESOLUTION FOR PRESENTATION.

16. A valid presentation may be made by and only by concurrent majorities of the Synod Nominators and of the Parochial Nominators and the resolution for each such presentation shall be recorded and the record sent to the Archbishop. The presentation shall be deemed to be made at the time at which the Archbishop shall receive such record.

FAILURE TO PRESENT.

17. If within three months after the members of the Board of Nominators have been informed of the vacancy no presentation shall be made then the right of presentation shall (subject as hereinafter provided) lapse.

FAILURE TO ACCEPT PRESENTATION.

18. If the Archbishop shall refuse to accept any Presentation or if the Clergyman presented shall refuse or omit to accept the proposed appointment within such reasonable time as the Archbishop shall appoint the Archbishop shall forthwith cause each member of the said Board to be informed thereof in writing and the Board shall toties quoties be entitled within three months thereafter to make a further presentation. Provided always that the Archbishop may at any time before or after its expiration extend any such period of three months on being satisfied that due diligence has been shown by the Board of Nominators but no extension of time shall exceed the limit of one year after the occurrence of the vacancy and at the end of such year the right of presentation shall absolutely lapse.

SAVING CLAUSE.

19. In all cases not falling within the provisions of this Ordinance including cases where no Parochial Nominators for the time being hold office and where the right of presentation shall

have lapsed the right of appointment of Clergyman to the Incumbency of Parishes and Churches shall vest and remain in the Archbishop.

EXCHANGES.

20. In the case of Parishes for which there are for the time being duly elected Parochial Nominators if the Incumbents thereof desire to exchange Parishes the Archbishop shall cause the whole of the Parochial Nominators of the Parishes concerned to be so informed in writing and if such Parochial Nominators shall in writing inform the Archbishop of their agreement to such proposed exchanges it shall not be necessary for the Synod Nominators or any of them to approve of such exchanges but the approval of the Archbishop to such exchanges shall in all such cases be necessary and sufficient.

ABSENCE, ETC., OF THE ARCHBISHOP.

21. In the event of the inability from any cause of the Archbishop the powers by this Ordinance vested in him shall be exercised by a Commissary appointed by him. If the Archbishop be absent from the State such powers shall (subject to such limitations as he shall prescribe) be exercised by a Commissary appointed by him. If there be no such Commissary or the See be vacant such powers shall be exercised by the Administrator of the Diocese.

DATE OF COMING INTO OPERATION.

22. This Ordinance shall come into operation forthwith and shall apply to cases where vacancies in the Incumbency of Parishes have occurred but are not filled at the time of the coming into operation of this Ordinance and a vacancy in the office of Synod Nominator shall now be deemed to have arisen and the election of an additional Synod Nominator to fill such vacancy may take place immediately after the passing of this Ordinance.

SHORT TITLE.

23. This Ordinance may be cited as the "Presentation Ordinance 1926."

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

GERARD D'ARCY-IRVINE,
Acting Chairman of Committees.

We certify that this Ordinance was passed this twenty-fifth day of August, 1926.

W. A. CHARLTON } Secretaries of
F. A. BLAND. } the Synod.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th August, 1926.