

APPENDIX No. 43.

11912

ORDINANCE. PRESENTATION AMENDMENT.

AN ORDINANCE to amend the Ordinance for regulating the appointment of Clergymen to the Incumbency of Parishes within the Diocese of Sydney.

WHEREAS it is desirable to amend the Ordinance for regulating 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:—

Interpretation Clause.

1. In this Ordinance "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" or any Ordinance amending or taking the place of the same.

Repeal of Ordinance.

2. Clauses 2, 3, 4, 6, 8, 9, 10, 11 and 13 of the "Presentation Ordinance of 1895" (hereafter called the Principal Ordinance) are hereby repealed. Such repeal shall not affect or invalidate any act done or appointment or election made under or by virtue of such Clauses 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 thereunder and this Ordinance shall apply to them accordingly.

Parochial Nominators.

3. Each Parish shall be entitled subject to clause 13 of this Ordinance to elect five lay persons being males and Communicants of the age of twenty-one years or upwards and resident within the Diocese who shall be designated Parochial Nominators and who when a vacancy in the Incumbency of the Parish shall occur shall together with the Synod Nominators constitute and act as the Board of Nominators for the said Parish for the purposes hereinafter specified.

Method of Electing.

4. The following provisions shall govern the right of election and the election of Parochial Nominators:—

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

(b). If there be two or more Churches in the Parish under the charge of the Rector such Nominators shall be elected by such one of the Annual Vestry Meetings within the said Parish as the Archbishop shall in writing from time to time direct.

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

Proceedings after Election.

5. The Chairman of each Annual Vestry Meeting which has elected Parochial Nominators under this Ordinance shall forward to the Registrar of the Diocese within thirty days from the date of such meeting a list duly certified by him setting out fully the names occupations and addresses of such elected Nominators and the receipt by the Registrar of such list shall be a condition precedent to the due election of such Nominators provided however that the Archbishop may on cause to his satisfaction being shown declare that the persons whose names with the particulars aforesaid shall have been received by the Registrar of the Diocese after the said thirty days are and they shall accordingly be the duly elected Nominators and qualified to act as fully as if the said Registrar had received the said list within the prescribed time.

Vacancies, &c.

6. Vacancies shall be deemed to be caused by death or 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.

7. Save as aforesaid Parochial Nominators shall respectively continue in office until the Annual Vestry Meeting of the Church held next after the Annual Vestry Meeting at which they were elected as aforesaid.

Filling of Vacancies.

8. Any vacancy which shall be caused as aforesaid may be filled by a Vestry Meeting of the Church the Annual Vestry Meeting whereof elected the Nominator whose office shall have so become vacant. If such vacancy be not so filled within four

weeks after the vacancy shall have 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.

9. The respective names, addresses and occupations of all persons elected Nominators shall be communicated in writing to the Archbishop.

Failure to Elect Nominators.

10. If Parochial Nominators are not duly elected the right of appointment in the event of a vacancy occurring in an Incumbency shall vest in the Archbishop.

Proceedings of Board of Nominators.

11. To constitute a meeting of a Board of Nominators there must be present a majority of the members thereof including one Synod Nominator and the votes of the members for or against the resolution to make a presentation which may be passed shall be recorded and sent to the Archbishop. No presentation shall be valid unless such record is sent to the Archbishop and unless the votes supporting such presentation include that of one at least of the Synod Nominators and those of three at least of the Parochial Nominators.

Failure to Present.

12. If within three months after the Board of Nominators is informed of the vacancy no presentation shall be made by the said Board then the right of presentation shall lapse to the Archbishop. If the Archbishop shall refuse to accept any presentation made to him or if the clergyman presented as aforesaid to the Archbishop shall refuse or neglect to accept the proposed appointment within such reasonable time as the Archbishop shall appoint the Archbishop shall as soon as possible inform each member of the Board thereof and the Board shall *toties quoties* be entitled within three months thereafter to make a further presentation provided always that the Archbishop may extend any such time of three months hereinbefore mentioned on being satisfied that due diligence has been shown by the Board of Nominators provided however that if any such vacancy shall not be filled within one year after the same occurring the appointment thereto shall absolutely lapse to the Archbishop.

Right of Presentation Subject to Provision for Clergyman.

13. The provisions of the Principal Ordinance and of this Ordinance so far as they relate to the right of presentation shall apply

only to the Parish in which the Incumbent shall have for the year ending the 31st day of December next before the Annual Vestry Meeting been duly paid a Stipend from local sources at the rate of at least three hundred pounds per annum and has been provided with a suitable residence or an allowance in lieu thereof and where such Parish shall have paid the assessment for Synod and Registry expenses owing and payable on the first day of April in the preceding year. Provided that the provisions as to the payment of such expenses shall not come into force until the first day of October, 1913.

Exchanges.

14. In the event of Incumbents of Parishes having the right of presentation desiring 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.

Mission and Conventional Districts.

15. For the purposes of the Principal Ordinance and this Ordinance Mission Districts and Conventional Districts shall not be deemed to form any portion of a Parish.

Absence, &c., of the Archbishop.

16. In the event of the incapacity from any cause of the Archbishop the powers by the Principal Ordinance and this Ordinance vested in him shall be exercised by a Commissary appointed by him. If the Archbishop be absent from the State such powers may (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 may be exercised by the Administrator of the Diocese.

Repeals, &c.

17. The words "and Ireland" in the preamble and in Clause 10 of the Principal Ordinance are hereby repealed. The word "Colony" in the preamble and in Clauses 1 and 7 of the Principal Ordinance is hereby repealed and the word "State" inserted in lieu thereof. The word "Bishop" whenever it occurs in the Principal Ordinance is hereby repealed and the word "Arch-

bishop" inserted in lieu thereof. The words "determined that the right of presentation shall vest in the Board of Nominators as hereinbefore mentioned" in Clause 5 of the Principal Ordinance are hereby repealed and the words "duly elected Parochial Nominators" inserted in lieu thereof.

Short Title.

18. This Ordinance may be cited as the "Presentation Amendment Ordinance of 1912" and shall be construed as one with the "Presentation Ordinance of 1895."

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

EDW. H. ROGERS,
Chairman of Committees.

We certify that this Ordinance was passed this third day of October, 1912.

E. CLAYDON } *Secretaries of*
W. R. BEAVER } *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

22/10/12.