

---

*"The Presentation and Exchange Ordinance, 1933."*

---

No. 12, 1933.

AN ORDINANCE to make provision for the appointment of Clergymen to the incumbency of Parishes and for the exchange of clergymen.

WHEREAS it is desirable to regulate the appointment of Clergymen to the incumbency of parishes within the Diocese of Sydney and to make provision for the exchange of clergymen between parishes 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 The Presentation Ordinance of 1926 is hereby repealed but subject as hereinafter provided such repeal shall not affect or invalidate any act done or appointment or election made under or by virtue of such Ordinance, 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 or the person for the time being entitled to exercise the powers vested in the Archbishop by the said Constitutions.
- (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.

---

*"The Presentation and Exchange Ordinance, 1933."*

---

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

#### PRESENTATION BOARD.

3. For the purposes of this Ordinance there shall be a Presentation Board consisting of—

- (a) Two clergymen and two laymen being members of Synod and residents in the Diocese elected by Synod, provided that such clergymen shall not be Archdeacons with territorial jurisdiction.
- (b) For each Parish having rights of presentation as hereinafter provided five lay persons being males and communicants of the age of 21 years or upwards and being Parishioners elected by the respective Parishes.
- (c) An Archdeacon as hereinafter provided.

4. During the first session of every Synod two clergymen and two laymen being members of Synod and residents in the Diocese shall be elected by the members of Synod voting collectively to be members of the Presentation Board for the purposes of this Ordinance.

5. The persons so elected as aforesaid by Synod shall subject as next hereinafter provided continue in office until their successors are appointed.

6. A Synod Representative shall be deemed to have vacated office if he die, resign, be absent from the State for a period of three months, cease to be a member of Synod, or if the Arch-

---

*"The Presentation and Exchange Ordinance, 1933."*

---

bishop shall certify that he is incapable of performing the duties of office or being a clergyman if he shall be appointed an Archdeacon with territorial jurisdiction.

7. Each vacancy in the office of Synod Representative shall within two months after the same has occurred be filled by the Synod if in session or by the Standing Committee of 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 next ensuing Ordinary session of Synod and at such session the vacancy shall be filled.

8. (i) The right to elect Parish Representatives 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.

(b) A suitable residence or an adequate allowance in lieu thereof;

and which 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 by it 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 Presentation Board of the Parish before they proceed to nominate.

(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.

9. (a) Each Parish entitled to elect Parish Representatives under this Ordinance shall elect as Parish Representatives five lay persons being males and Communicants of the age of twenty-one years or upwards and Parishioners of the Parish.

---

*"The Presentation and Exchange Ordinance, 1933."*

---

- (b) If there be only one church in the Parish then such Parish Representatives may be elected by the Annual Vestry Meeting of such Church, or any other Vestry Meeting of such Church.
- (c) If there be two or more churches within the Parish under the charge of the clergyman such Parish Representatives shall be elected by the adult Parishioners of all of such Churches at a special general meeting held within the said Parish at such time and place as the said clergyman and the Churchwardens of the principal Church shall appoint. Notice of such meeting shall be given to the parishioners of each Church concerned in like manner as notice of an Annual Vestry Meeting is given under the Sydney Church Ordinance, 1912. Provided that upon the requisition of the Parish Council the Archbishop may in writing direct that such Parish Representatives shall be elected at the Annual or other Vestry Meeting of two or more of the said 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 Parish Representatives unless there are present at least nine persons qualified to vote.

10. Each of the persons elected as a Parish Representative shall, subject as hereinafter provided, hold office until the next annual vestry meeting of the principal church for the time being in the parish by which he is elected.

If any question or dispute shall arise as to which is for the time being the principal Church in any parish such question or dispute shall be determined by the Archbishop.

11. A Parish Representative shall be deemed to have vacated office if he die, resign, without leave of the Presentation Board for that Parish be absent from the State for twenty-one consecutive days during a vacancy in the incumbency of the Parish or if during such vacancy the Archbishop shall certify that he is incapable of performing the duties of office.

12. Each vacancy in the office of parish representative shall be filled if there be only one Church in the Parish by a Vestry Meeting or if there be two or more churches in the Parish under the charge of the clergyman in such manner as the seat ren-

---

*"The Presentation and Exchange Ordinance, 1933."*

---

dered vacant was filled. If such vacancy be not so filled within four weeks after the vacancy shall have occurred then it may be filled by the remaining Parish Representative or Representatives, 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.

13. The Chairman of each Vestry Meeting which has elected Parish Representatives and in the cases of vacancies filled by a Parish Representative or Representatives he or 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 representatives. Provided that the omission to send to the Registrar such list duly certified shall not invalidate any election of Representatives but such Representatives may act if the Archbishop is satisfied they were duly elected and has so certified to the Synod Representatives.

14. Upon a vacancy occurring in the incumbency of any Parish for which there are for the time being duly elected Parish Representatives the said Parish Representatives shall together with the Archdeacon of the archdeaconry in which the Parish is situated and the Synod Representatives be and constitute and act as the Presentation Board for the said Parish.

15. At meetings of such Board the Archdeacon if present shall be Chairman but without power of voting. If the Archdeacon be not present the meeting shall elect its own chairman.

16. The said Presentation Board before exercising the powers and authorities conferred upon it shall meet in conference with the Archbishop at such time and place as the Archbishop shall appoint, provided always that failing such conference within one month after the said vacancy shall have occurred such conference shall be dispensed with.

Further conferences between the Archbishop and the Board may be held at any time at the request of the Archbishop or of the Board.

The Archbishop shall be Chairman of the said Conferences.

17. Upon a vacancy occurring in the Incumbency of any parish the Registrar of the Diocese shall cause a notice to be

---

*"The Presentation and Exchange Ordinance, 1933."*

---

sent to each member of the Presentation Board informing him of such vacancy and also a notice convening a meeting of the said Presentation Board and shall also send to each Parish Representative of the said Board a copy of this Ordinance, and the 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. The said meeting shall be convened for the day fixed for the Conference first mentioned in clause 16 hereof or if no conference be held then for a date not later than five weeks after the vacancy has occurred.

18. No clergyman shall be presented to the Archbishop unless he has received the vote of at least two of the Synod Representatives and at least three of the Parish Representatives and the resolution for 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.

19. If within three months after the date for which the first meeting of the Presentation Board shall have been convened no presentation shall be made then (subject as hereinafter provided) the right of presentation shall lapse.

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 a notice thereof in writing to be given to each member of the Board and the Board shall toties quoties be entitled within three months thereafter to make a further presentation.

20. 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 Presentation Board but if no presentation has been made and accepted within one year after the date for which the first meeting of the Presentation Board shall have been convened the right of Presentation shall absolutely lapse.

---

*"The Presentation and Exchange Ordinance, 1933."*

---

21. In all cases not falling within the foregoing provisions of this Ordinance and in cases where the right of presentation shall have lapsed the right of appointment of clergymen to the Incumbency of Parishes and Churches shall be in the Archbishop.

22. The first Synod Representatives to act under this Ordinance and deemed to be elected under clause 4 hereof shall be the two clergymen receiving the highest votes and the two laymen receiving the highest votes at the last election of Synod Nominators held under the "Presentation Ordinance 1920."

### EXCHANGES.

23. There shall be a Diocesan Board of Exchange to be known as the Parish Clergymen's Exchange Board.

24. The Board shall consist of three clergymen in Priest's Orders holding the Archbishop's license and being members of Synod.

25. The first appointment of the members of the Board shall be made by the Archbishop in Council within three months after the date of assent being given to this Ordinance and thereafter appointment shall be made by the Archbishop in Council within three months after the first session of each Synod. The members shall hold office until the next succeeding appointment.

26. The duties of the Board shall be to assist in effecting exchange of parishes when so requested by the respective Clergymen of the parishes concerned.

27. If two or more clergymen shall agree to negotiate for an exchange of parishes each shall summon in writing a meeting of the Parish Representatives of the Parish of which he is incumbent for the purpose of considering the matter, and if the consent in writing of the Archbishop, of the clergymen concerned and of at least four of the Parish Representatives of each Parish concerned shall be obtained the matter shall be referred to the Archbishop for the purpose of effect being given to the same, and the Archbishop may give effect to such exchange without any reference to any Presentation Board under this Ordinance.

---

*"The Presentation and Exchange Ordinance, 1933."*

---

28. A member of the Parish Clergymen's Exchange Board shall be deemed to have vacated office if he die, resign, be absent from the State for a period of three months, cease to be a member of Synod or if the Archbishop shall certify that he is incapable of performing the duties of office.

29. Occasional vacancies on the Parish Clergymen's Exchange Board shall be filled by the Archbishop in Council.

30. Wherever in this Ordinance it is provided that a notice or other document shall be sent to any member of a Presentation Board such notice or other document may be sent in manner provided in Section 170 of the Conveyancing Act 1919/1930.

31. This Ordinance may be cited as The Presentation and Exchange Ordinance, 1933.

---

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

HENRY W. F. ROGERS,

Chairman of Committees.

We certify that this Ordinance was passed this Tenth day of November, 1933.

S. H. DENMAN  
HARRINGTON B. COWPER } Secretaries of  
the Synod.

I assent to this Ordinance.

S. J. KIRKBY,

Bishop, Administrator of the Diocese of Sydney.

10th November, 1933.