

# Presentation and Exchange Ordinance 1988

(Reprinted under the Interpretation Ordinance 1985.)

The Presentation and Exchange Ordinance 1988 as amended by or under the Interpretation Ordinance 1985, the Presentation and Exchange Amendment Ordinance 1990, the Miscellaneous Amendments Ordinance (No 1) 1991, the Parishes Ordinance and Presentation and Exchange Ordinance Amendment Ordinance 1991, the Presentation and Exchange Amendment Ordinance 1991, the Regions (Transitional Provisions, Miscellaneous Amendments) Ordinance 1995, the Miscellaneous Amendments Ordinance 1996, the Miscellaneous Amendments Ordinance 1999, the Local Revenues Amendment Ordinance 2001, the Miscellaneous Amendments Ordinance 2001 and the Presentation and Exchange (Prohibited Persons) Amendment Ordinance 2005.

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## Long Title

An Ordinance to make provision for the appointment of clergymen to the incumbency of parishes and for the exchange of clergymen between parishes.

## Preamble

Whereas

A. It is desirable to regulate the appointment of clergymen to the incumbency of parishes within the Diocese and to make provision for the exchange of clergymen between parishes.

B. It is desirable for those purposes to repeal the Presentation and Exchange Ordinance 1933 and to pass this Ordinance in its place.

Now the Synod of the Diocese of Sydney pursuant to the powers in that behalf conferred on it by the Constitutions Hereby Ordains Declares Directs and Rules as follows.

## Part 1: Preliminary

### 1. Name of Ordinance

This Ordinance is the Presentation and Exchange Ordinance 1988.

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### 2. Definitions

In this Ordinance -

“annual vestry meeting” means an annual vestry meeting held under the Church Administration Ordinance 1990;

“Archbishop” means the Archbishop for the time being of the Diocese or the person for the time being entitled to exercise the Archbishop's powers;

“Archbishop-in-Council” means the Archbishop on the advice of the Standing Committee;

“diocesan representative” means a representative to the Presentation Board elected for the time being under clause 5 or 7;

“local revenues” means all moneys received for the purposes of a parish but does not include -

- (i) income from property, or
- (ii) money given to the parish by any body corporate or organisation created or regulated by an ordinance of the Synod or the Standing Committee, or
- (iii) money given to the parish for a specified purpose, other than a purpose for or in relation to the rector's stipend, travelling expenses superannuation or long service leave.

“parish” means a parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979;

“parish representative” means a representative to the Presentation Board elected or appointed for the time being by or on behalf of a parish under clause 9 or 13;

“parishioner” has the same meaning as in the Church Administration Ordinance 1990;

“vestry meeting” means a vestry meeting held under the Church Administration Ordinance 1990.

### **3. Circumstances in which a Vacancy Occurs in the Incumbency of a Parish**

(1) For the purposes of this Ordinance, a vacancy occurs in the incumbency of a parish if the incumbent -

- (a) dies;
- (b) retires;
- (c) is removed from office; or
- (d) resigns.

(2) For the purposes of this Ordinance, a vacancy occurs in the incumbency of a parish on the acknowledgment in writing by the Archbishop of a notification in writing by the incumbent that the incumbent intends to retire on a specified or ascertainable date which is not more than 6 months after the date of the notification.

(3) For the purposes of this Ordinance, a vacancy occurs in the incumbency of a parish on the acceptance in writing by the Archbishop of the resignation in writing of the incumbent despite the fact that the resignation or acceptance contains a provision for a postponement of the operation or effect of the resignation.

## **Part 2: Presentation Board**

### **4. Membership**

(1) A Presentation Board for a parish shall be constituted by -

- (a) the Regional Bishop of the Region in which the parish is situated or the archdeacon of the archdeaconry in which the parish is situated (either one of whom may act as a member of the Board at any time);
- (b) 2 clergymen elected by Synod;
- (c) 2 lay persons elected by Synod; and
- (d) 5 lay persons elected by the parish.

(2) Nothing in subclause (1) limits the operation of clause 25(2).

### **5. Diocesan Representatives – Election**

(1) During the first session of each Synod, the members of Synod voting collectively shall elect -

- (a) 2 clergymen and 2 lay persons to be members of the Presentation Board; and
- (b) 1 clergyman and 1 lay person to be alternate members of the Presentation Board.

(2) A person is not eligible for election unless the person is a member of Synod and resident in the Diocese. In addition, a clergyman is not eligible for election if he is an assistant bishop or an archdeacon with territorial jurisdiction.

### **6. Diocesan Representatives - Tenure of Office**

A diocesan representative holds office until his or her successor is elected or until the office is vacated.

### **7. Diocesan Representatives - Casual Vacancies**

(1) The office of a diocesan representative is vacated if he or she -

- (a) dies;
- (b) resigns;
- (c) retires pursuant to the Diocesan Officers (Retirement) Ordinance 1987;
- (d) is absent from the State for at least 3 months without the prior approval in writing of the Archbishop;
- (e) ceases to be a member of Synod for a period in excess of 3 months;
- (f) is certified by the Archbishop to be incapable of performing the duties of office; or
- (g) in the case of a clergyman, is appointed an assistant bishop or an archdeacon with territorial jurisdiction.

(2) A vacancy in the office of a diocesan representative shall be filled within 2 months after it occurs by the Synod (if in session) or by the Standing Committee (if the Synod is not in session). A person elected by the Standing Committee remains a diocesan representative only until the following ordinary session of Synod and at that session the vacancy shall be filled.

(3) The Casual Vacancies Ordinance 1935 does not apply to the filling of a vacancy in the office of a diocesan representative.

#### **8. Right to Elect Parish Representatives**

(1) A parish may only elect parish representatives if -

(a) during the period of 12 months before the date of the election the local revenues of the parish were not less than the sum of the following amounts -

(i) the minimum stipend for a minister recommended by the Standing committee, and

(ii) the fixed component of the travel allowance for a minister recommended by the Standing Committee, and

(iii) the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975, and

(b) during the period of 12 months immediately before the election, or such part of that period as a member of the clergy was licensed as rector, the rector was paid or provided with -

(i) a stipend or benefits in lieu of stipend the amount or value of which, in total, is not less than that part of the minimum stipend referred to in clause 8(1)(a)(i) which was required to be paid or provided to the rector, and

(ii) a travel allowance or travel benefit not less than the fixed component of the travel allowance referred to in clause 8(1)(a)(ii) which was required to be paid to the rector, and

(iii) the free use of a residence approved as suitable by the Archbishop, and

(c) at the date of the election all cost recoveries charges (including any arrears) due and payable by the parish under the Assessment and Charges Ordinance 1975 have been paid.

(2) The value of benefits provided to a rector in lieu of stipend is only to be taken into account for the purposes of clause 8(1)(b) if the benefits were provided to the rector in accordance with guidelines approved by the Standing Committee.

#### **9. Parish Representatives – Eligibility for Election**

(1) A parish entitled to elect parish representatives may elect 5 lay persons of not less than 21 years of age who are parishioners of the parish and communicant members of this Church.

(2) A person employed within the parish to perform substantially full-time work which is or includes pastoral work is not eligible for election.

(3) A person who is a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998 is not eligible for election.

(4) A husband and wife may not both be members of the Presentation Board at the same time.

(5) Provided always that the provisions of the Diocesan Officers (Retirement) Ordinance 1987 shall not apply to this clause.

#### **10. Parish Representatives – Election in Single-Church Parish**

In a parish with one church, the parish representatives shall be elected by the parishioners of not less than 18 years of age present at the annual vestry meeting or any other vestry meeting of the church.

#### **11. Parish Representatives – Election in Multi-Church Parish**

(1) In a parish with more than one church, the parish representatives shall, unless a direction is given under subclause (3), be elected by the parishioners of not less than 18 years of age of all the churches at a special general meeting held in the parish at such time and place as the minister and churchwardens of the principal church appoint.

(2) Notice of the meeting shall be given to the parishioners of each church in the same

manner as notice of an annual vestry meeting is given under the Church Administration Ordinance 1990.

(3) On the request of the parish council, the Regional Bishop of the Region in which the parish is situated, acting on the advice of his Regional Council, may direct that the parish representatives shall be elected –

- (a) at the annual vestry meeting or another vestry meeting of 2 or more of the churches in such proportion as the Regional Bishop-in-Council shall, after consideration of the request, appoint; or
- (b) at the combined annual vestry meeting or another vestry meeting of the parish held in accordance with the Church Administration Ordinance 1990.
- (c) Provisions relating to the chairman, chairman's vote and quorum at a meeting to elect parish representatives are the same as for a vestry meeting under the Church Administration Ordinance 1990.

#### **11A. Parish Representatives – Declaration**

(1) A person who is nominated for election as a parish representative must within 7 days before or after election as a parish representative make the following declaration –

“I declare that I am not a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998”.

(2) The office to which a person is elected as a parish representative becomes vacant if that person fails to make the declaration required by this clause.

#### **12. Parish Representatives – Tenure of Office**

(1) A parish representative holds office -

- (a) until -
  - (i) in the case of a parish with one church, the next annual vestry meeting of the church; or
  - (ii) in the case of a parish with more than one church, the next meeting of the parish held in accordance with clause 11; or
- (b) until the office is vacated.

(2) When a vacancy in the incumbency of a parish occurs, the parish representatives then in office (except in the case of a parish representative who was a parishioner at the time of appointment but has ceased to be a parishioner) shall, subject to clause 13, be entitled to remain in office until the vacancy has been filled.

#### **13. Parish Representatives – Casual Vacancies**

(1) The office of a parish representative is vacated if he or she -

- (a) dies;
- (b) resigns;
- (c) is absent from the State for at least 28 consecutive days during a vacancy in the incumbency of the parish without the written consent of the Regional Bishop;
- (d) is certified by the Archbishop, during a vacancy in the incumbency of the parish, to be incapable of performing the duties of office; or
- (e) becomes a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998.

(2) A vacancy in the office of a parish representative shall be filled -

- (a) in the case of a parish with one church - at a vestry meeting; and
- (b) in the case of a parish with more than one church - in the same manner as the office vacated was filled.

(3) If a vacancy is not filled under subclause (2) within 4 weeks after the vacancy occurred, it may be filled by the appointment of a person eligible to be elected as a parish representative by the remaining parish representatives or representative.

(4) If a vacancy is not filled under subclause (2) or (3) within 8 weeks after the vacancy occurred, it may be filled by the appointment by the Archbishop of a person eligible to be elected as a parish representative.

(5) The Casual Vacancies Ordinance 1935 does not apply to the filling of a vacancy in the office of a parish representative.

#### **14. Parish Representatives – Notice to Registrar of Election or Appointment**

(1) Within 7 days after the election or appointment of a parish representative, the chairman of the meeting at which the election took place or the person or persons making the appointment shall send to the Registrar a list certified by the chairman, person or persons which sets out fully the names, addresses and occupations of those elected or appointed.

(2) The failure to send a certified list to the Registrar shall not invalidate the election or appointment of a parish representative if the Archbishop is satisfied that the person was duly elected or appointed and so certifies to the diocesan representatives.

#### **14A. Member of Presentation Board not to Act in Dual Capacity**

(1) If, in relation to a Presentation Board for a parish, a person would, but for the operation of this clause, be a member of the Board in the capacity of a diocesan representative (or an alternate for a diocesan representative) and in the capacity of a parish representative, the person must elect to be a member of the Board in only one of those capacities.

(2) The election must be made and notified in writing to the Registrar before the first meeting of the Board.

(3) If the person elects to be a member in the capacity of a diocesan representative (or an alternate for a diocesan representative), the person ceases to be a parish representative in the same way as if the person had resigned the office of parish representative.

(4) If the person elects to be a member in the capacity of a parish representative, the person ceases to be a diocesan representative (or an alternate for a diocesan representative) as if the person had resigned the office of diocesan representative (or alternate).

(5) If a person who is required to make an election under this clause fails to make the election, the person is to be taken to have ceased to be a parish representative in the same way as if the person had resigned the office of parish representative.

(6) Despite the other provisions of this Ordinance, the first meeting of the Board must be postponed until the vacancy in the membership of the Board caused pursuant to this clause is filled.

### **Part 3: Procedure on Occurrence of Vacancy**

#### **15. Preconditions to Obtaining Benefits under this Ordinance**

(1) A parish which has duly elected parish representatives only has the benefits under this Ordinance concerning the presentation of a clergyman to the Archbishop if -

- (a) during the period from the election of the parish representatives until the occurrence of the vacancy the local revenues of the parish were not less than the sum of the following amounts -
  - (i) that part of the minimum stipend for a minister recommended by the Standing Committee which was required to be paid as stipend to the rector during that period, and
  - (ii) that part of the fixed component of the travel allowance for a minister recommended by the Standing Committee which was required to be paid during that period, and
  - (iii) that part of the fixed component of the cost recoveries charge payable by a parish under the Assessment and Charges Ordinance 1975 which was required to be paid during that period, and
- (b) during the period from the election of the parish representatives until the occurrence of the vacancy the rector was paid or provided with -
  - (i) a stipend or benefits in lieu of stipend the amount or value of which, in total, is not less than the minimum stipend recommended by the Standing Committee for a minister, and
  - (ii) a travel allowance or travel benefits in lieu of at least the amount recommended by the Standing Committee for a minister, and
  - (iii) the free use of a residence approved as suitable by the Archbishop, and

- (c) at the date of the occurrence of the vacancy all costs recoveries charges (including any arrears) due and payable by the parish under the Assessment and Charges Ordinance 1975 have been paid.

(2) The value of benefits provided to a rector in lieu of stipend is only to be taken into account for the purposes of clause 15(1)(b) if the benefits were provided to the rector in accordance with guidelines approved by the Standing Committee.

#### **16. Parish Report**

On a vacancy occurring in the incumbency of a parish -

- (a) The Registrar shall notify the churchwardens of the principal church and the parish representatives that a vacancy has occurred and advise the date of the vacancy;
- (b) the churchwardens of the principal church in the parish shall complete and send to the Archbishop an information sheet in such form as is determined from time to time by the Archbishop; and
- (c) the archdeacon of the archdeaconry in which the parish is situated shall obtain from those churchwardens information concerning the parish in respect of such matters as are determined from time to time by the Archbishop.

#### **17. Suspension of Proceedings - Proposal for Re-Classification of Parish**

(1) If a proposal has been presented to the Archbishop under clause 4(1)(c) of the Parishes Ordinance 1979 to change the classification of a parish to a provisional parish, the Archbishop may, by notice in writing to the registrar and the members of the Presentation Board for the parish, suspend the operation of clause 23.

(2) A notice may be given under subclause (1) whether or not a vacancy has occurred in the incumbency of the parish.

(3) A suspension of the operation of clause 23 may be terminated by the Archbishop at any time by notice in writing to the Registrar and the members of the Presentation Board for the parish and shall, if not so terminated, terminate upon the Synod determining the proposal for reclassification of the parish under clause 5(3) of the Parishes Ordinance 1979.

#### **18. Archbishop's Certification as to Entitlement of Parish to Benefits Under this Ordinance**

(1) Within 21 days after the occurrence of a vacancy in the incumbency of a parish, the Archbishop may (unless the operation of clause 23 in relation to the parish is suspended) certify in writing to the Registrar-

- (a) that the parish has complied with clauses 8 and 15; or
- (b) that, while the parish has not complied with clauses 8 and 15, the matters of non-compliance are such as should not prevent the parish from having the benefits under this Ordinance.

(2) If -

- (a) the operation of clause 23 in relation to a parish is suspended;
- (b) the suspension is terminated; and
- (c) on termination of the suspension, the parish retains its classification as a parish,

the Archbishop may certify in writing to the Registrar in accordance with subclause (1) within 21 days after the termination of the suspension.

(3) If the Archbishop does not furnish a certificate to the Registrar within the 21 day period, the Registrar shall notify the Archbishop-in-Council accordingly in time for its next meeting.

(4) The Archbishop-in-Council shall determine whether or not, in all the circumstances, the parish should have the benefits under this Ordinance.

(5) A determination of the Archbishop-in-Council shall be notified to the Registrar and has effect according to its tenor.

#### **19. Principal Function of Presentation Board**

(1) The principal function of a Presentation Board for a parish is to present to the Archbishop a clergyman in priests orders to be appointed and licensed by the Archbishop to the incumbency of the parish.

- (2) A presentation may be made by a Presentation Board in any one of the following ways –
  - (a) by presenting the name of one clergyman under this clause or clause 31;
  - (b) by presenting the name of one clergyman in accordance with an order of priority determined under clause 29 or 31;
  - (c) by presenting the names of 2 or more clergymen not in order of priority under clause 30 or 31.

#### **20. Surrender of Right of Presentation**

- (1) A Presentation Board may surrender its right of presentation at any time.
- (2) A resolution to surrender the right of presentation is, in relation to the vacancy concerned, irrevocable.
- (3) Where the right of presentation is surrendered, the Archbishop has the right of appointment.

#### **21. Initial Conference with Archbishop**

- (1) Before exercising its functions, the Presentation Board for a parish shall meet in conference with the Archbishop at a time and place appointed by the Archbishop.
- (2) The Archbishop shall be the chairman at any such conference.
- (3) The conference shall be dispensed with if it is not held within 28 days after the occurrence of the vacancy in the incumbency of the parish concerned.
- (4) The Archbishop may delegate all or any of his functions under this clause to the Regional Bishop of the Region in which the parish concerned is situated.

#### **22. Other Conferences**

- (1) The Archbishop, the Regional Bishop of the Region in which the parish concerned is situated or any 3 members of the Presentation Board may at any time request a conference between the Board and the Archbishop at such time and place as may be appointed or agreed to by the Archbishop.
- (2) More than one conference may be held under this clause in respect of a parish.
- (3) The Archbishop shall be the chairman at any such conference.
- (4) The Archbishop may delegate all or any of his functions under this clause to the Regional Bishop of the Region in which the parish concerned is situated.

#### **23. Convening of First Meeting of Presentation Board**

- (1) On receipt of the Archbishop's certificate under clause 18(1)(a) or (b) or on being notified of a determination of the Archbishop-in-Council under clause 18(5) that a parish should have the benefits under this Ordinance, the Registrar or a Deputy Registrar shall, by notice in writing to the members of the Presentation Board for the parish, convene the first meeting of the Board.
- (2) The first meeting shall, as far as practicable, be held within 28 days after the date on which the vacancy occurred.

#### **24. Alternate Members**

- (1) If a clergyman elected by Synod to be a member of the Presentation Board notifies the Registrar in writing that he is unable, for a period of not less than one month, to attend a meeting of the Board, the clergyman elected by Synod to be an alternate member shall act in his place.
- (2) If a lay person elected by Synod to be a member of the Presentation Board notifies the Registrar in writing that he or she is unable, for a period of not less than one month, to attend a meeting of the Board, the lay person elected by Synod to be alternate member shall act in his or her place.
- (3) If both the clergymen or both the lay persons so elected so notify the Registrar, the alternate member shall act in the place of the person whose notification was first received by the Registrar.
- (4) A lay alternate shall not act in the place of a clergyman and a clerical alternate shall not act in the place of a lay person.
- (5) An alternate member shall act in the place of the member for whom he or she is the



alternate for all meetings of the Presentation Board for the parish concerned held after the alternate member commences to act.

#### **25. Chairman and Chairman's Vote**

- (1) At a meeting of the Presentation Board, the assistant bishop or archdeacon, if present, shall be the chairman but without power of voting.
- (2) If the assistant bishop or archdeacon is unable to be present, any other assistant bishop or archdeacon within the Diocese nominated by the first-mentioned assistant bishop or archdeacon may be present and, if present, shall be the chairman but without power of voting.
- (3) If no assistant bishop or archdeacon is present, the members at the meeting shall elect a chairman from among those present and the person so elected shall be the chairman and shall have a deliberative vote.

#### **26. Ordinary Resolutions**

A resolution (other than a resolution to which clause 27 applies) shall not be carried at a meeting of the Presentation Board unless a majority of the parish representatives present and at least 2 diocesan representatives vote in favour of the resolution.

#### **27. Special Resolutions**

- (1) This clause applies to the following resolutions -
  - (a) a resolution to present the name of one clergyman under clause 19;
  - (b) a resolution to present the names of 2 clergymen in order of priority under clause 29;
  - (c) a resolution to present the names of 2 or more clergymen not in order of priority under clause 30;
  - (d) a resolution to surrender the right of presentation under clause 20.
- (2) A resolution to which this clause applies shall not be carried at a meeting of the Presentation Board unless-
  - (a) at least 3 parish representatives and at least 2 diocesan representatives are present at the meeting; and
  - (b) at least 3 parish representatives and at least 2 diocesan representatives vote in favour of the resolution.

#### **28. Recording of Resolutions**

The chairman shall cause a record to be made of all resolutions of the Presentation Board.

#### **29. Listing of 2 Names in Order of Priority**

- (1) A Presentation Board may resolve on the names of 2 clergymen to be presented to the Archbishop in order of priority.
- (2) .....
- (3) .....

#### **30. Listing of Names Not in Order of Priority**

A Presentation Board may present to the Archbishop the names of 2 or more clergymen not in order of priority any one of whom the Board would be pleased to see appointed and licensed to the incumbency of the parish.

#### **31. Resolution of Matters Otherwise than at a Meeting**

- (1) If, following the first or a subsequent meeting of the Presentation Board at which a list of names of not more than 3 clergymen to be considered for presentation has been agreed upon by resolution in accordance with clause 26 and recorded in writing -
  - (a) at least 4 parish representatives or at least 3 diocesan representatives are unanimous in their intention to seek the presentation of one clergyman from the list;
  - (b) at least 4 parish representatives or at least 3 diocesan representatives notify their intention in writing signed by all of them to the chairman of the meeting at which the list was agreed upon; and
  - (c) at least 2 diocesan representatives (in the case of a notification by 4 or all of the 5 parish representatives) or at least 3 parish representatives (in the case of a

notification by 3 or all of the 4 diocesan representatives) notify their agreement in writing to that chairman to the presentation of the clergyman concerned,

the Presentation Board shall (even though the members have not met together for the purpose) be taken to have resolved to present the clergyman in accordance with this Ordinance.

- (2) The procedure under this clause may also be used –
  - (a) to resolve on the names of 2 clergymen to be presented to the Archbishop in order of priority in accordance with clause 29; or
  - (b) to resolve to present a list of not more than 3 names (being the names agreed on under subclause (1)) not in order of priority in accordance with clause 30.

### **32. Manner of Effecting Presentation of Clergyman or Clergymen to the Archbishop**

- (1) The chairman shall notify the Archbishop, in writing, of the name of the clergyman or, as the case may be, the names of the clergymen, presented by the Presentation Board.
- (2) The presentation is made at the time at which the Archbishop receives the notification.

### **33. Archbishop's Response to Presentation**

(1) If the Presentation Board presents the name of one clergyman, the Archbishop shall (unless he is satisfied that there is good and sufficient reason for refusing to accept the presentation) offer, in writing, to appoint the clergyman presented to him to the incumbency of the parish.

(1A) If the Presentation Board presents the names of 2 clergymen in order of priority, the Archbishop may accept the presentation of the clergyman presented first in order of priority. If the Archbishop refuses to accept the presentation of a clergyman presented first in order of priority or that clergyman refuses or neglects to accept appointment within the time limited for acceptance, the Archbishop may accept the presentation of the clergyman presented second in order of priority.

(2) If the Presentation Board presents the names of 2 or more clergymen not in order of priority, the Archbishop shall (unless he is satisfied that there is good and sufficient reason for refusing to accept any one or more of the names presented to him) offer, in writing, to appoint a clergyman presented to him to the incumbency of the parish in the order of priority determined by the Archbishop.

(3) If a clergyman to whom an offer is made under subclause (2) refuses or neglects to accept appointment within the time limited for acceptance, the Archbishop may offer to appoint any other clergyman on the list to the incumbency of the parish.

(4) The Archbishop is not required to give the grounds on which a refusal to accept a presentation is made.

### **34. Period for Acceptance of Offer of Appointment**

(1) A clergyman to whom an offer is made may, in writing, within 21 days after receipt of the offer (or such longer period as may be determined under subclause (2)) accept or refuse the offer.

(2) The Archbishop may, in writing, at any time before or after the expiration of the 21-day period, extend the period by an additional period determined by him of not more than 21 days if in his opinion there are special circumstances that warrant the extension.

### **35. Appointment and Licensing of Clergyman**

If a clergyman to whom an offer is made accepts the offer within the time limited for acceptance, the Archbishop shall appoint and license the clergyman to the incumbency of the parish concerned.

### **36. Effect of Failure to Make Presentation after 3 Months**

(1) If no presentation is made within 3 calendar months (or such longer period as may be determined under subclause (2)) after the date for which the first meeting of the Presentation Board was convened (whether or not the meeting was actually held on that date) the right of presentation of the Board shall lapse.

(2) The Archbishop may, in writing, at any time before or after the expiration of the 3-month period, extend the period if he is satisfied that due diligence has been shown by the Presentation Board in seeking to make a presentation.

### **37. Procedure on Failure of Presentation**

- (1) If -
  - (a) the Archbishop refuses to accept a presentation; or
  - (b) the clergyman presented refuses or neglects to accept the proposed appointment within the time limited for acceptance;

the Archbishop shall inform the Registrar and the Registrar or a Deputy Registrar shall notify each member of the Presentation Board accordingly.

(2) Where the Registrar or a Deputy Registrar has notified each member of the Presentation Board in accordance with subclause (1), the Board is entitled to make a further presentation within 3 months (or such longer period as may be determined under subclause (4)) after the date of the notification.

(3) If the chairman of the Presentation Board has notified the Archbishop of the names of 2 or more clergymen not in order of priority, the Board is not entitled to make a further presentation until after all the names have been eliminated.

(4) The Archbishop may, in writing, at any time before or after the expiration of the 3-month period, extend the period if he is satisfied that due diligence has been shown by the Presentation Board in seeking to make a presentation.

### **38. Effect of Failure to License Clergyman**

If a clergyman who accepts an offer of appointment to the incumbency of a parish is not licensed as rector of the parish due to some act or negligence on the part of that clergyman, the Presentation Board for the parish shall continue to have the right of presentation.

### **39. Ultimate Lapsing of Right of Presentation**

(1) A Presentation Board may present the name of a clergyman to the Archbishop at any time within one year and one month after the date for which the first meeting of the Presentation Board was convened (whether or not the meeting was actually held on that date).

(2) After that time, the right of presentation of the Board in relation to the vacancy concerned lapses absolutely.

(3) The Archbishop has the right of appointment if the Board's right of presentation lapses.

## **Part 4: Exchanges**

### **40. Constitution of the Parish Clergymen's Exchange Board**

There is constituted by this Ordinance a board to be known as the Parish Clergymen's Exchange Board.

### **41. Membership of the Exchange Board**

The board shall consist of the Regional Bishops who shall be members by virtue of their office.

### **42. Duties of the Exchange Board**

The duties of the board are -

- (a) to initiate and assist an exchange of parishes; and
- (b) to assist an exchange of parishes when so requested by any one of the clergymen of the parishes concerned.

### **43. Exchanges Without Reference to the Presentation Board**

(1) If 2 or more clergymen 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 the incumbent for the purpose of considering the matter.

- (2) If -
  - (a) the Archbishop has given his approval in principle; and
  - (b) the consent in writing of the clergymen concerned and at least 4 of the parish representatives of each parish concerned is obtained,

the matter shall be referred to the Archbishop for the purpose of giving effect to the exchange.

(3) The Archbishop may give effect to the exchange without any reference to a Presentation Board under this Ordinance.

## Part 5: Miscellaneous

### 44. Copies of Ordinance

The Registrar shall provide a copy of this Ordinance to each parish representative when advising that a vacancy has occurred.

### 45. Dispute as to Principal Church

If a question or dispute arises as to which church is the principal church in a parish, the question or dispute shall be determined by the Archbishop.

### 46. Repeal

- (1) The Presentation and Exchange Ordinance 1933 is repealed.
- (2) .....
- (3) .....

### 47. Commencement

This Ordinance shall commence on the day on which regulations made by the Archbishop-in-Council and which are expressed to be made for the purposes of condition (a) in clause 8 (or for the purposes of that condition and condition (a) in clause 15) take effect.

### 48. ....

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### Notes

The regulations referred to in clause 47 took effect from 1 April 1989.

The amendments made by Ordinance No 1, 2001 do not apply to a financial year or any other period of time specified in the Presentation and Exchange Ordinance 1988 which commences on or before 31 December 2001. For such financial year, or other period of time, the provisions of the Presentation and Exchange Ordinance 1988 continue to apply as if Ordinance No 1, 2001 had not been made.

The amendments made by Ordinance No 51, 2005 commence on 1 February 2006.

### Table of Amendments

Clause 1	New clause inserted by Ordinance No 1, 2001 and amended by Ordinance No 32, 2001.
Clause 2	Amended pursuant to the Interpretation Ordinance 1985 and by Ordinance No 1, 2001.
Clause 4	Amended by Ordinance No 32, 1995.
Clause 8	Amended by Ordinances No 41, 1991 and 27, 1999 and new clause inserted by Ordinance No 1, 2001.
Clause 9	Amended by Ordinances No 29, 1990 and 51, 2005.
Clause 11	Amended by Ordinance No 32, 1995 and under the Interpretation Ordinance 1995.
Clause 11A	Inserted by Ordinance No 51, 2005.
Clause 13	Amended by Ordinances No 30, 1996 and 51, 2005.
Clause 14A	Amended by Ordinance No 29, 1990.
Clause 15	Amended by Ordinances No 41, 1991 and 27, 1999 and new clause inserted by Ordinance No 1, 2001.
Clause 21	Amended by Ordinance No 32, 1995.
Clause 22	Amended by Ordinance No 32, 1995.
Clause 24	Amended by Ordinance No 42, 1991.
Clause 29	Amended by Ordinance No 30, 1996.
Clause 32	Amended by Ordinance No 30, 1996.
Clause 33	Amended by Ordinance No 30, 1996.
Clause 39	New clause inserted by Ordinance No 42, 1991.

Clause 41 Amended by Ordinance No 30, 1996.  
Clause 46 Amended by Ordinance No 37, 1991.  
Clause 48 Repealed by Ordinance No 37, 1991.

STEVE LUCAS  
**Legal Officer**  
14 December 2005

ROBERT WICKS  
**Diocesan Secretary**