

The Grafton Bishopric and Administration Ordinance, 1936

AN ORDINANCE.

To consolidate and amend the law relating to the appointment of Bishops of Grafton; the administration of the Diocese during the vacancy of the See; the appointment of an Administrator; to provide for the appointment of Archdeacons and Rural Deans and for other matters.

Be it enacted by the Bishop, the Clergy and the Laity of the Diocese of Grafton in Synod assembled as follows:—

REPEAL.

1. The Ordinances mentioned in the Schedule hereto shall be and hereby are repealed except as to any operation already effected by or act done under any enactment therein comprised or as to any right title obligation or liability already acquired or accrued under any such enactment; but this Ordinance shall not be held to revive any Ordinances repealed by the said Ordinances.

SHORT TITLE.

2. This Ordinance may be cited as the Grafton Bishopric and Administration Ordinance, 1936.

INTERPRETATIONS. ⁴⁵

3. In this Ordinance unless the context or subject otherwise indicates:—

- (a) "Bishop" means the Bishop of Grafton.
 - (b) "Corporate Trustees" mean the Corporate Trustees of the Diocese of Grafton.
 - (c) "Council of the Diocese" means the body of persons nominated and appointed under the provisions of the Bishop-in-Council Ordinance, 1934, the advisers of the Bishop in the temporal affairs of the Church.
 - (d) "Synod" means the Synod of the Diocese of Grafton.
4. Whenever any Bishop desires to resign his Bishopric he shall send his resignation in writing to the Metropolitan of the Province or if there be no Metropolitan resident therein to the Primate or the Senior Archbishop or Bishop exercising the functions of the Primate and on the Metropolitan or Primate or Senior Archbishop or Bishop as the case may be notifying such resignation to the Administrator of the Diocese the Bishopric shall be deemed to be vacant.

5. When a vacancy of the See shall have occurred the Administrator of the Diocese shall forthwith convene the

Synod of the Diocese. And in no case shall a longer period than three months intervene between the creation of such vacancy and the beginning of the Session of the Synod so convened unless urgent cause to the contrary (to be allowed by the Council of the Diocese) shall exist.

6. At any meeting of the Synod called for the purpose of the election of a person to be Bishop of Grafton the members may either in the first instance or later in the proceedings on a vote taken by Orders delegate either absolutely or subject to any conditions it may think fit to impose its power and authority to elect a Bishop to a Committee consisting of the Administrator, together with three Clerks elected by ballot by and from the Clerical members of the Synod and four laymen elected by and from the Lay Representatives of the Synod.

7. In case the Synod shall proceed to elect a person to be Bishop of Grafton any member may in writing submit the names of one or more persons (not exceeding three) duly qualified to fill the office of Bishop. Such nominations covered by folding shall be handed to the Administrator and the names so submitted shall be placed on the nomination list in alphabetical order, and the Synod shall thereupon adjourn for such period of time as may be required for the holding of an informal conference within closed doors to consider the question of the election by the members of Synod present. At such conference the Administrator shall be Chairman and the Standing Orders of Synod so far as they relate to the rules of debate shall be observed.

8. Whether one or more nominations be made the Synod shall proceed to vote by Orders. And the votes of each Order shall be taken by ballot in such manner as shall have been previously determined by the Synod. And no person so nominated shall be deemed to be elected until a majority of the votes of each of the Orders shall have been given for him.

9. In case the required majority shall not be given on the first ballot for any person nominated a second and if necessary a third ballot shall be taken. But no person who fails to obtain one-fifth of the votes of each order then present and voting shall be balloted for again unless he be nominated again. In case the third ballot should be ineffectual the Synod shall adjourn for not less than 24 hours nor more than 48 hours. On re-assembling additional nominations may be made and dealt with in the manner hereinbefore provided.

10. In case the Synod shall after repeated trial fail to elect a person to be Bishop of Grafton the Synod on a vote taken by Orders may—

(a) Cause the name of the person who had previously received the highest number of Clerical votes and the name of the person who had previously received the highest number of Lay votes to be submitted to a vote taken by ballot of both Orders voting collectively and thereupon the name having the highest number of

such collective votes shall be the name of the Bishop of Grafton elect, or:—

(b) Delegate (either absolutely or subject as aforesaid) its power and authority to elect a Bishop to the Committee hereinbefore provided and thereupon the Synod shall proceed to elect the members of the committee in the manner provided.

11. In case a committee be appointed to elect a person to be Bishop of the Diocese, such committee shall proceed with all convenient speed to the completion of its labors. And no person shall be deemed to be elected thereby unless he receive at least three Clerical and three Lay votes. Provided that if the committee shall fail to elect a person to be Bishop of the Diocese within six months from the date of its formation such committee shall de facto be dissolved and the Administrator shall forthwith (giving thirty days' notice specifying the objects thereof) convene the Synod of the Diocese and the like proceedings shall be taken as are herein directed in the case of an original election and so on to times quoads until a Bishop has been elected and installed.

12. The election of a person to be Bishop of Grafton having been made the Administrator shall take the necessary steps for giving effect thereto in accordance with the rules for the time being in force within the Diocese for the confirmation and consecration of Bishops made by the General Synod of the Dioceses of Australia and Tasmania.

13. On the installation of a Bishop of Grafton he shall make and subscribe a declaration in or to the effect of Form 1 hereunder.

FORM 1.

I do solemnly and sincerely declare my acceptance of the Constitutions of the Church of England in New South Wales as it is set forth in the Act of Parliament of New South Wales commonly known as the Church of England Constitutions Act Amendment Act, of 1902, and that I will to the best of my ability give effect thereto and to the Ordinances of the Synod of the Diocese of Grafton passed in pursuance thereof until the same or any of them shall respectively be lawfully varied or altered.

14. The appointment of a Bishop of Grafton shall be complete when all the Acts matters and things hereinbefore required to be done and performed shall have been accomplished. And the person so appointed shall be for all purposes the successor of the last preceding Bishop of Grafton.

PROVISION FOR BISHOP.

THE BISHOPRIC ENDOWMENT.

15. The income of the See of Grafton shall be the income from investment of the capital fund known as the Grafton Bishopric Endowment Fund subject nevertheless to

the operation of the provisions of Sections 16 and 17 of the Gratton Bishopric Endowment Ordinance, whenever in any year the gross receipts from investment of the said Capital Fund shall fall below the sum of eight hundred pounds.

THE SEE RESIDENCE.

16. The property consisting of the residence and grounds known as Bishopsholme shall be the official residence of the Bishop of Gratton. The said property shall be managed by the Corporate Trustees and the Diocese shall provide to the Corporate Trustees such sum or sums of money as may from time to time be required to pay rates and taxes thereon and the costs of maintenance and repairs thereof.

OFFICIAL EXPENDITURE.

17. The Council of the Diocese shall from the funds of the Diocese provide to the Bishop such reasonable assistance in meeting the travelling expenses incurred by him in the administration of the Diocese as may from time to time be agreed upon between the Bishop and the Council of the Diocese.

18. The Bishop shall have the right to have free access to all Churches and other buildings used for public worship in the Diocese and to attend in person or by his appointed agent and take part in any constituted meeting of the Parishioners or the Parochial Council of any Ecclesiastical District and may preside at any such meeting.

19. The Bishop shall be President of the Council of the Diocese. In the absence of the Bishop the Commissary shall preside and if the Commissary shall not be present the person next in Ecclesiastical rank shall be President for that meeting only. Provided that if the President be other than the Commissary the decisions of the Council shall not take effect without the consent of the Bishop.

THE ADMINISTRATOR.

20. It shall be lawful for the Bishop by writing under his hand registered in the Registry of the Diocese to appoint some person named therein being a Clerk in Holy Orders licensed in the Diocese to be a Commissary and such Commissary during the absence of the Bishop from the State until such appointment be revoked and its revocation registered as aforesaid shall and may be the Administrator of the Diocese as defined in Determination III, 1896, of General Synod and shall use and exercise do and perform from time to time according to the terms of such appointment all and every the authorities powers acts matters and things whatsoever which the Bishop is or may be empowered or required to use exercise or perform by virtue of any Ordinance Resolution or Regulation of the Synod heretofore or hereafter to be passed and every authority power ordinance matter or thing so used exercised done or performed by such Commissary under or by virtue of such his appointment shall be as good and

effectual to all intents and purposes as if the same had been used exercised done or performed by the Bishop. And in the event of there being no Commissary appointed as aforesaid or in the event of his having been so appointed and of his dying or becoming incapable or being absent from the Diocese the said authorities powers ordinances matters and things shall and may be used exercised done or performed during such absence by the person next in Ecclesiastical rank or degree in the Diocese and resident therein capable and willing to act.

21. In the event of a vacancy occurring in the See the Commissary appointed in the manner heretofore provided or if no Commissary be thus appointed or if he be incapable of acting then the person next in Ecclesiastical rank selected in the order provided in the foregoing section of this Ordinance shall be the Administrator of the Diocese and shall use exercise do and perform from time to time all and every the authorities powers ordinances matters and things whatsoever which the Bishop is or may be required to use exercise do or perform by virtue of any Ordinance Resolution or Regulation of the Synod heretofore or hereafter to be passed and every authority power ordinance matter and thing so used exercised done or performed under the provisions hereof shall be as good and effectual to all intents and purposes as if the same had been used exercised or performed by the Bishop until a new Bishop of the See shall be installed. Provided always that if the Bishop resign the See, during the interval between the resignation of the Bishop and the Consecration and Installation of his successor, the Bishop who shall have resigned may administer the affairs of the Diocese so long as he shall be willing so to do and shall continue to reside within the limits thereof and so long as he shall continue to administer such affairs he shall be the Administrator of the Diocese within the meaning of this Ordinance and shall be entitled to the use of the episcopal residence and a stipend as hereinafter provided.

22. The Administrator for the time being during a vacancy of the See of Gratton shall be entitled to one-half of the income appertaining to such Bishopric as shall be derived from investment of the Gratton Bishopric Endowment Fund and the remaining half of such income shall during such vacancy of the See be applied by the Council of the Diocese at its discretion to any of the following purposes:—

(a) To carry out such improvements repairs and renovations to the episcopal residence as the Council of the Diocese shall determine.

(b) To apply the balance (if any) in augmentation of the Endowment Fund.

23. The right of the Bishop to appoint and collate an Archdeacon of the Diocese and/or an Archdeacon for each of two districts or an Archdeacon for each of three districts is hereby acknowledged and confirmed. The Bishop may assign vary or alter the boundaries of the districts and the names thereof at his discretion.

FUNCTIONS OF ARCHDEACONS.

24. The Archdeacons shall assist the Bishop in the administration of his Diocese and for that purpose shall have and exercise such authority and jurisdiction as shall be committed to them by the Bishop. The Archdeacons shall execute and carry out any or all of the following functions and such other functions as may be assigned to the office of an Archdeacon, namely:—

- (a) To visit the Ecclesiastical Districts of his Archdeaconry regularly or occasionally as the Bishop may determine and to inspect the registers and records and to report thereon to the Bishop.
- (b) To inform the Bishop of any case or need for the exercise of his episcopal ministry or authority.
- (c) To supervise the ministrations of the Minister-in-Charge of any home mission district as provided in the Parochial Ordinance, 1936.
- (d) To inspect all buildings and furnishings the property of the Church and to report thereon to Bishop-in-Council.
- (e) To see that the provisions of the Insurance Commissioners Ordinance, 1935, relating to insurance of property are being observed and to report thereon.
- (f) To execute any particular commission entrusted to them by the Bishop.

25. An Archdeacon shall be ex-officio a member of all Parochial Councils, Provisional Committees or other constituted bodies in his archdeaconry.

THE RURAL DEANS.

26. The right of the Bishop to divide his Diocese into Rural Deaneries to vary the number and boundaries of such Deaneries and to appoint Rural Deans thereof is hereby acknowledged and confirmed.

27. Any Rural Dean appointed by the Bishop shall hold office for three years or until the appointment of a successor.

28. At the close of each successive first Session of Synod or so soon thereafter as may be the appointment of Rural Deans shall be made.

THE RURI-DECANAL CHAPTER.

29. A Ruri-Decanal Chapter shall consist of all licensed Clergymen resident in the Rural Deanery. The Chapter may if it so desire invite any Church officers or Churchworkers to attend any particular meeting and to take part in the proceedings.

FUNCTIONS OF RURAL DEANS AND CHAPTER.

30. The Rural Dean is to give information to the Archdeacon, to be by him made known to the Bishop, of all matter concerning the Clergy, Churchwardens and other officers of the Church which he may deem it necessary or useful that the Ordinary should know.

31. He is, likewise, at such times when he shall be required by the Bishop or the Archdeacon, to inspect the Churches and Chapels within his Rural Deanery, with their Chancel, and to make a return thereof to the Archdeacon in a form supplied to him for that purpose, noting all alterations of, or additions to, the premises, and stating whether such alterations or additions, if any, have been made with or without authorisation.

32. He is also, if it shall come to his knowledge that great spiritual destitution exists in any Parish or District within his Rural Deanery, in the matter of Church accommodation, Lay helpers, Sunday Schools or the like, to make a communication thereon to the Bishop.

33. He is also to call the Clergy of his Rural Deanery together whenever the Bishop or Archdeacon shall appoint, and at other times at his discretion or at the request of any three members of the Chapter.

34. He is to give notice to the Bishop of any Clergyman who shall, to his knowledge, officiate for more than two Sundays in his Rural Deanery without the license or the written permission of the Bishop.

35. The Ruri-Decanal Chapter will, from time to time, take into consideration the state of religion or education within the Rural Deanery, and propose such measures for the extension of the ordinances of religion or the promotion of education as may seem to them expedient, and make such representations to the Archdeacon, to be by him transmitted to the Bishop as the circumstances may require.

THE SCHEDULE.

Date of Ordinance	Extent of Repeal
1914 Bishop's Appointment Ordinance, No. 6	The whole.
1914 Administration Ordinance, No. 16	The whole.
1916 Administration Ordinance, Amendment Ordinance, No. 3	The whole.
1926 An Ordinance to Regulate the Appointment of a Diocesan Archdeacon	The whole.

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We hereby certify that this Ordinance was passed by the Synod of the Diocese of Grafton on the sixteenth day of September, 1936.

O. N. MANNY, Clerical Secretary.

IRVING C. DIGHT, Lay Secretary.

I assent to this Ordinance.

JOHN WILLIAM GRAFTON.

Date, September 23, 1936.