
Casual Vacancies Ordinance 1935.

No. 11, 1935.

AN ORDINANCE to deal with casual vacancies and for purposes incidental thereto.

WHEREAS the causes of casual vacancies and the tenure of office of persons appointed to fill such vacancies vary in the cases of the constitutions of the bodies hereinafter mentioned and it is expedient to provide uniformity in respect thereof and to amend The Elections Ordinance 1934. The Synod of the Diocese of Sydney in pursuance of the powers 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:—

1. Casual vacancies in offices filled or to be filled by Synod under any of the Ordinances Rules Regulations or Standing Orders mentioned in the schedule hereto shall arise upon:—

- (a) Resignation in writing addressed to the Diocesan Secretary.
- (b) Death.
- (c) Bankruptcy or Assignment for the benefit of creditors.
- (d) Loss of qualification for the office.
- (e) Incapacity to act or absence from meetings continued for a period of three months without the leave of the body concerned.
- (f) A resolution by the Synod or by the Standing Committee when the Synod is not in Session declaring a vacancy and specifying the person and one of the Ordinances Rules Regulations or Standing Orders mentioned in the Schedule and the reason therefor.

2. In all cases of persons elected or to be elected by Synod under any of the Ordinances Rules Regulations or Standing Orders mentioned in the schedule hereto casual vacancies may be filled ad interim by the Standing Committee of Synod when the Synod is not in Session.

3. The tenure of office of persons filling such casual vacancies shall be until the vacancy is filled at the next ensuing ordinary Session of Synod or in the case of failure by such Session of Synod until the vacancy is again filled by the Standing Committee or

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some subsequent ordinary Session of Synod provided that the person appointed or elected to fill the casual vacancy shall cease to hold office at the time at which the person who filled the office immediately before the casual vacancy occurred would have ceased to hold office if the casual vacancy had not occurred without prejudice however to eligibility for re-election or re-appointment.

4. The relative provisions of the Ordinances Rules Regulations or Standing Orders mentioned in the schedule hereto are hereby respectively superseded by the provisions of this Ordinance to the extent necessary to give effect thereto and all future Ordinances Rules Regulations or Standing Orders providing for the election or appointment to offices shall be deemed to contain the 1st 2nd and 3rd sections mutatis mutandis of this ordinance unless expressly excluded therefrom.

5. The provisions of the Elections Ordinance 1934 shall be deemed not to have applied and shall not apply to the appointment of a person for the purposes of the 26th Section of the Constitutions contained in the schedule to the Church of England Constitutions Act Amendment Act of 1902 and the 39th Section of the "Church of England Trust Property Act 1917."

6. This Ordinance may be cited as "Casual Vacancies Ordinance 1935."

SCHEDULE.

Short Title of Ordinance.	Sections Affected.
"Abbotsleigh College Ordinance of 1924" as amended by "Abbotsleigh (Amendment) Ordinance 1933"	8, 9, 10.
"The Tribunal Ordinance, 1904"	1, 2, 3.
"Sydney Church Ordinance, 1912"	8.
"Barker College Ordinance, 1919"	8, 9, 10.
"The Board of Education Ordinance of 1919"	8, 9.
"The Church of England Grammar School for Girls Cremorne Ordinance of 1925"	8, 9, 10

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Short Title of Ordinance.	Sections Affected.
"Clergy Provident Fund Ordinance of 1906 (Sydney)" as amended by "Clergy Provident Fund Further Amendment Ordinance of 1919"	5.
"An Ordinance for accepting and Adopting a certain Determination of the General Synod Session 1916 (No. 1) intituled 'Amended Rules for the Constitution of a Board of Missions of the Church of England in Australia and Tasmania' " . . .	5.
Diocesan Missions Ordinance of 1927"	7.
"Incapacity and Inefficiency Ordinance 1906" as amended by Incapacity and Inefficiency Amendment Ordinance 1923"	1.
"The General Synod Election Ordinance of 1900"	2, 3.
"The Home Mission Society Ordinance of 1911" as amended by "The Home Mission Society Amending Ordinance of 1917" . .	8, 10.
"The King's School Council Constitution Ordinance 1922"	4, 5, 6.
"The Moore Theological College Ordinance of 1919"	6, 7.
"The Presentation and Exchange Ordinance 1933"	6, 7, 29.
"The Provincial Synod Election Ordinance of 1886"	3.
'St. Catherine's Clergy Daughters' School Ord. 1922"	5, 6, 7.
"Standing Committee Ordinance of 1897" as amended by Standing Committee Amending Ordinance of 1915; The Standing Committee (Amending) Ordinance 1930; Standing Committee Ordinance of 1897 Further Amending Ordinance 1932"	2, 3.
"The Church Trust Property Governing and Controlling Ordinance 1921 as amended by The Church Trust Property Governing and Controlling Ordinance Amendment Ordinance 1923"	8, 9.

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Short Title of Ordinance.	Sections Affected.
"The Sydney Church of England Grammar School Constitution Consolidation and Amendment Ordinance 1923"	4, 5, 6.
"Sydney Church of England Girls' Grammar School Ordinance 1895."	
"Sydney Church of England Girls' Grammar School (Amendment) Ordinance 1910."	Section 2 1910 as amended by
"Sydney Church of England Girls' Grammar School (Amendment) Ordinance 1919."	Section 1, 1919 and Section 2. 1919.
"Sydney Church of England Girls' Grammar School (Amendment) Ordinance 1920."	
Rules and Regulations of the Sydney Diocesan Committee and Educational and Book Society adopted by Synod 12th August 1868 validated and confirmed and amended by "The Sydney Diocesan Educational and Book Society Ordinance 1918"	4.
"Trinity Grammar School Constitution Ordinance, 1928"	7, 8, 11.
"Tudor House School Ordinance of 1925" . .	8, 9, 10.
"Standing Orders (re Select Committees of Synod)"	14, 15.

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

R. C. ATKINSON,
Chairman of Committees.

We certify that this Ordinance was passed this Twenty-sixth day of September, 1935.

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

I assent to this Ordinance.

HOWARD SYDNEY.

30th September, 1935.