



Anglican Church Diocese of Sydney

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4 June 2010

Circular to Ministers, Wardens and Parish Councils

Recent changes made to the rules for administering parishes

I am writing to inform you about recent changes made by the Standing Committee to the rules for administering parishes under the Parish Administration Ordinance 2008. The latest version of the Parish Administration Ordinance 2008, including the recent changes, can be found on the Secretariat's website www.sds.asn.au.

Set out below is a brief overview of the changes that have been made. Since your parish continues to be administered on the basis of its church or churches under [Schedule 1 of the Parish Administration Ordinance](#), the rules referred to in the overview are those in Schedule 1 of the Ordinance.

The changes came into effect on and from 2 June 2010.

Wardens' licensing of church property

Under rule 3.12, the wardens may grant licences to persons or organisations to use church property for purposes not connected with the church provided the requirements set out in that rule are met.

Under the recent changes, wardens can no longer grant licences to pre-schools, kindergartens, childcare centres, long day centres and the like operating on church property. All such licences will now need to be signed by the Property Trust.

However for other purposes, the wardens can now grant licences for a licence fee of up to \$50,000 per annum (including GST). Previously the limit was \$20,000 per annum.

The Property Trust will send you more information about these changes shortly.

Conflicts of interest involving auditors

Previously, it was possible for a person holding the office of auditor of the financial statements and accounts of the wardens to also be a member of the parish council. Under the recent changes, a person who holds the office of auditor may no longer become or remain a member of the parish council.

This change has been made in order to remove the conflict of interest a person is likely to have in exercising both these roles.

Under transitional arrangements, if your auditor is currently a member of the parish council, he or she may continue in both positions until the next annual general meeting of parishioners.

Conflicts of interest involving wardens and parish councillors

Under rule 2.11, an act done by any two wardens is taken to be the act of the wardens as a group provided that all reasonable efforts have first been taken to consult with the third warden at the time the act is done. Under the recent changes, this rule has been extended to provide that a warden is disqualified from acting as a warden if he or she (or a member of his or her family) has a personal financial interest in the act.

Similarly, a new rule 4.10A provides that a member of a parish council is disqualified from taking part in any decision of the parish council if the member (or a member of his or her family) has a personal financial interest in the decision. For example, a member of the parish council must not vote or take part in any decision of the parish council to pay them (or a member of their family) a stipend, salary or other amount.

These changes reflect basic standards of good governance that should be exercised by all wardens and members of parish councils in the performance of their respective roles.

Convening general meetings of parishioners

The recent changes now enable the minister and wardens, when convening a general meeting of parishioners under rule 4.1(4), to give written notice of the meeting in any weekly church bulletin instead of written notice placed in a prominent position at the main entrance to the church. The other requirements concerning convening general meetings of parishioners remain unchanged.

Timing of declarations required by persons nominated or appointed as parish councillors or wardens

Under rules 2.7 and 2.13 any person nominated or appointed as a parish councillor or warden must make the following declaration –

“I declare that I am a communicant member of the Anglican Church of Australia and am not a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998.”

For a parish councillor, the declaration must be made within 7 days before or after a person’s election or appointment or within 7 days of the person’s return from a temporary absence from the Diocese. For a warden, the declaration must be made before the person’s election or appointment, within 7 days after election or appointment or within 7 days of the person’s return from a temporary absence from the Diocese. If a person fails to make the declaration within the requisite period, the position becomes vacant.

Previously, the period within which the declaration must be made could only be extended by the Registrar or the Regional Archdeacon if the person was “otherwise absent or incapacitated”.

In order to avoid vacancies inadvertently arising due to a failure to make the declaration within the requisite period, the recent changes now enable the Registrar, Regional Archdeacon or, in the Regional Archdeacon’s absence, the Regional Bishop to extend the period within which a declaration can be made without the need for a person to have been “otherwise absent or incapacitated”.

Uncontested elections at annual general meetings

Previously, the rule concerning elections at general meetings of parishioners (rule 4.6) dealt only with contested elections and made no provision for the process that should be followed for conducting uncontested elections. This is because in most uncontested elections there is no objection to all persons who are nominated being elected.

However sometimes a general meeting of parishioners may not wish to elect one or more candidates despite the election being uncontested.

The recent changes made to rule 4.6 accommodate this possibility. Accordingly, in any uncontested election the chairman is to move a motion that all the candidates be elected. If the motion is carried the chairman is to declare the candidates elected. If the motion is not carried, the chairman must call again for nominations.

Parish council resolutions without a meeting

Under rule 4.11, parish councils are able to pass resolutions without a meeting of its members provided the requirements of that rule are followed. The recent changes to this rule provide greater clarity about the circumstances in which circular resolutions of parish councils may be passed. However the essential process for passing resolutions without a meeting remains unchanged.

Definition of member of the Anglican Church of Australia

The recent changes include in rule 1.1(1) the following new definition of member of the Anglican Church of Australia for the purposes of the Parish Administration Ordinance 2008 –

“member of the Anglican Church of Australia” means a baptised person who declares that he or she is a member of the Anglican Church of Australia.

The inclusion of this definition clarifies what is generally assumed to be the case, namely that, in addition to a person declaring that he or she is a member of the Anglican Church of Australia, a necessary qualification for being a member of the Anglican Church of Australia is that a person is baptised. Membership of the Anglican Church of Australia is a relevant qualification for being elected or appointed as a parish councillor or warden and for participating in general meetings of parishioners.

Under transitional arrangements, if one of your wardens or parish councillors has not been baptised, that person may continue to hold office as a warden or parish councillor until the next annual general meeting of parishioners.

Exercise of powers of regional archdeacons

In view of the decision not to appoint any further persons as Regional Archdeacons, the recent changes provide that the Regional Bishop may, in the absence of a Regional Archdeacon, exercise the functions of the Regional Archdeacon under the Parish Administration Ordinance 2008. The Regional Bishop may also delegate the exercise of these functions to an Assistant to the Regional Bishop.

Wardens’ dealings with church or parish property

Under rule 9.11, the Synod may call on any wardens for a financial statement of their dealings with any church or parish trust property. Under the recent changes, the Synod’s function of inquiring into the dealings of any warden with church or parish property have been strengthened. In particular, the changes permit the Synod to appoint auditors to produce a relevant financial statement if the wardens fail to do so within a reasonable time of being called on to do so by the Synod. As was previously the case, the functions under this rule can be exercised by the Standing Committee when the Synod is not in session.

Removal of monuments

Rule 5.5 has been amended to make it clear that the removal, as well as the placement, of any monument, memorial or tablet on church trust property (other than a burial ground) requires the Archbishop’s approval in the form of a faculty or other permit.

Finally

If you have any questions about these changes, please contact either myself on 9265 1671 or at rjw@sydney.anglican.asn.au or the Manager of Legal Services, Steve Lucas, on 9265 1647 or at szl@sydney.anglican.asn.au.

Yours sincerely



ROBERT WICKS
Diocesan Secretary