

Parish Administration Ordinance 2008

(Reprinted under the Interpretation Ordinance 1985.)

The Parish Administration Ordinance 2008 as amended by the Cost Recoveries Framework Ordinance 2008, the Meetings (Quorum, Attendance and Resolutions) Ordinance 2007 Amendment Ordinance 2009 and the Parish Administration Amendment Ordinance 2010.

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Long Title

An Ordinance to provide for the rules by which parishes in the Diocese are administered.

The Synod of the Diocese of Sydney Ordains as follows.

Part 1 – Preliminary

1. Name

This Ordinance is the Parish Administration Ordinance 2008.

2. Objects

The objects of this Ordinance are –

- (a) to bring together all rules which are directly relevant to the administration of parishes in the Diocese, and
- (b) to continue the mechanism by which parishes can choose to be administered as a whole rather than on the basis of their church or churches, and
- (c) to ensure the rules used to administer parishes are clearly expressed and logically ordered and can be readily used by parish officers, and
- (d) to make changes to the rules for administering parishes which reflect both contemporary and good administrative practice.

3. Interpretation

- (1) Any term used in this Ordinance in relation to a parish to which Schedule 1 applies and which is defined in Schedule 1 has the same meaning as in Schedule 1.
- (2) Any term used in this Ordinance in relation to a parish to which Schedule 2 applies and which is defined in Schedule 2 has the same meaning as in Schedule 2.

Part 2 – Applicable rules for the administration of a parish

4. Rules that apply to a parish

The rules in Schedule 1 for administering a parish based on its church or churches apply to a parish unless the rules in Schedule 2 for administering a parish as a whole apply by virtue of this Part 2.

5. Changing the rules that apply to a parish

- (1) Subject to clause 6, the rules in Schedule 2 apply to a parish if –
 - (a) a general meeting of parishioners of the church or, if there is more than one church, each church of the parish convened to consider the matter so resolves, and
 - (b) the regional council gives its approval.
- (2) Subject to clause 7, the rules in Schedule 2 cease to apply to a parish if –
 - (a) a general meeting of parishioners convened to consider the matter so resolves, and
 - (b) the regional council gives its approval.
- (3) The regional council is to notify the Registrar in writing of an approval given under subclause (1) or (2).
- (4) The Registrar is to maintain and update a list of parishes to which the rules in Schedule 2 apply and is to publish an updated list annually in whatever form the Registrar considers appropriate.

6. Transitional arrangements for the commencement of parish based administration

- (1) If a regional council gives an approval under clause 5(1) –
 - (a) the wardens of each church of the parish holding office immediately before such approval is given continue to hold office and continue to exercise the functions of wardens under the rules in Schedule 1, and
 - (b) the parish council of the parish as constituted immediately before such approval is given remains so constituted and continues to exercise the functions of the parish council under the rules in Schedule 1, and
 - (c) the Archbishop may continue to exercise the power conferred by rule 4.1(3) of Schedule 1, and
 - (d) the minister and wardens of the principal or only church of the parish may exercise the functions of the minister and wardens of the parish under rules 6.1 and 6.2 in Schedule 2,

until the date on which the first annual general meeting of parishioners is held under the rules in Schedule 2.

- (2) From the date the regional council gives an approval under clause 5(1)(b), any associated congregation within the meaning of Schedule 1 of a church of the parish is taken to be a congregation of the parish within the meaning of Schedule 2.

- (3) The first annual general meeting of parishioners under the rules in Schedule 2 –
 - (a) is to be convened by the minister and wardens of the principal or only church of the parish in accordance with the rules in Schedule 2 as if the wardens were wardens of the parish as a whole, and
 - (b) is to receive and pass or otherwise determine on the financial statements of the wardens of each church prepared in accordance with the rules in Schedule 1.

7. Transitional arrangements for the cessation of parish based administration

- (1) If a regional council gives an approval under clause 5(2)(b) –
 - (a) the wardens holding office immediately before such approval is given continue to hold office and continue to exercise the functions of wardens under the rules in Schedule 2, and
 - (b) the parish council of the parish as constituted immediately before such approval is given remains so constituted and continues to exercise the functions of the parish council under the rules in Schedule 2, and

- (c) the Archbishop may continue to exercise the power conferred by rule 4.1(2) of Schedule 2,

until the date on which the annual general meeting of parishioners of the principal or only church of the parish is next held.

(2) From the date the regional council gives an approval under clause 5(2)(b), any congregation within the meaning of Schedule 2 which does not meet in a church is taken to be an associated congregation within the meaning of Schedule 1 of the principal or only church of the parish or such other church of the parish as the regional council may in its approval direct.

(3) Subject to subclause (4), the minister and wardens are to convene an annual general meeting of parishioners for each church of the parish in accordance with the rules in Schedule 1 as if the wardens were the wardens of each church under the rules in Schedule 1.

(4) In relation to a parish with more than one church, the annual general meeting of parishioners of the principal church is to be held before the annual general meeting of parishioners of any other church of the parish.

(5) The annual general meeting of parishioners of each church of the parish convened under subclause (3) is to receive and pass or otherwise determine on the financial statements of the wardens prepared in accordance with the rules in Schedule 2.

Part 3 – Application and commencement

8. Exemption of Cathedral

(1) Subject to subclause (2), the provisions of this Ordinance do not apply to the Cathedral Church of St Andrew Sydney or to the lands and property held for the Cathedral.

(2) The provisions in Chapter 7 of Schedule 1 relating to Safe Ministry apply to the Cathedral Church of St Andrew Sydney.

9. Commencement

This Ordinance commences on 1 January 2009.

Schedule 1**Rules for administering a parish based on its church or churches**

Note: Schedule 1 contains the rules for any parish which continues using its church or churches as the basis for administering itself. These parishes do not need to refer to the rules in Schedule 2 which only apply if the parish decides to administer itself as a whole.

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CHAPTER 1
PRELIMINARY

1.1 Interpretation

(1) In these rules –

non-Anglican congregation means a group of persons who meet together on a regular basis for public worship as Christians other than as part of the Anglican Church of Australia.

annual general meeting of parishioners means a meeting referred to in rule 2.2 and includes any adjournment of such a meeting.

Archbishop means the Archbishop of Sydney for the time being or in his absence his Commissary or if the See is vacant the Administrator of the Diocese.

Archbishop-in-Council means the Archbishop acting with the concurrence of the Standing Committee (except as provided by rule 9.6).

associated congregation means, in relation to a church, a group of persons –

(a) who meet together on a regular basis within the Diocese for services of public worship under the pastoral leadership of the minister of the church, and

(b) in relation to whom a notification made pursuant to rule 6.1(1) is in effect.

building includes part of a building.

burial ground means land (including church grounds) being church trust property consecrated for use or being used as a burial ground,

church, in relation to a building or part of a building, means a building or part of a building of a parish duly consecrated or licensed for the celebration of divine service.

church trust property means all or any part of any real and personal property which may for the time being be subject to any trust for or for the use, benefit or purposes of the Anglican Church of Australia in the Diocese of Sydney.

columbarium means any building, wall or other improvement of any description, or part thereof, in which ashes of a deceased person are placed or stored or are intended to be placed or stored.

communicant member, in relation to the Anglican Church of Australia, includes a person who is a member of the Anglican Church of Australia and who partakes regularly in the Holy Communion or the Lord's Supper.

financial year means a year commencing on 1 January.

general meeting of parishioners means a meeting referred to in rule 2.1 and includes any adjournment of such a meeting.

land includes leasehold as well as freehold and any freehold or leasehold held under or subject to legislation relating to strata or community title.

lay minister means a lay person who is employed on a paid basis to assist the minister to undertake pastoral ministry within the parish.

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.

minister means –

(a) in relation to a provisional parish, the person licensed thereto as curate-in-charge, and

(b) in relation to any other parish, the person licensed thereto as rector, and

(c) except in rule 3.20(1), in the absence or incapacity of a person referred to in paragraph (a) or (b) or during any vacancy in office of the curate-in-charge or rector, the person appointed under rule 9.7 for the time being to exercise all or any of the functions of the curate-in-charge or rector, to the extent to which those functions are properly exercisable in accordance with his licence or other authority.

non-occasional use means the use of a church on more than 3 occasions in any 12 month period.

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parish means a parish or provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979.

parishioner means, subject to sub-rules (2) and (3) –

- (a) in relation to a parish, a person –
 - (i) who is a member of the Anglican Church of Australia, and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended services of public worship in a church of the parish or as part of an associated congregation of such a church, and
- (b) in relation to a church, a person –
 - (i) who is a member of the Anglican Church of Australia, and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended services of public worship in that church or as part of an associated congregation of that church.

qualified person means –

- (a) in relation to an elected or appointed member of a parish council, a person who meets the requirements of rule 2.6, and
- (b) in relation to a warden, a person who meets the requirements of rule 2.12, and
- (c) in relation to an auditor, a person who meets the requirements of rule 2.16.

rule means a rule in this Schedule.

service of public worship means a service of public worship of the Anglican Church of Australia in the Diocese.

(2) A person may not be a parishioner of more than one parish at the same time. If, but for this sub-rule, a person would be a parishioner of more than one parish at the same time, the person must elect as to the parish of which they consider themselves to be a parishioner and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(3) A person may not be a parishioner of more than one church at the same time. If, but for this sub-rule, a person would be a parishioner of more than one church at the same time, the person must elect as to the church of which they consider themselves to be a parishioner and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(4) In these rules –

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of such duty.

(5) In these rules –

- (a) a reference to a person becoming bankrupt includes a reference to that person applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit, and
- (b) a reference to a person becoming mentally ill includes a reference to that person becoming a temporary patient, a continued treatment patient, or a forensic patient within the meaning of the Mental Health Act 1990 or a protected person within the meaning of the Protected Estates Act 1983,

and a reference to a person who is bankrupt or mentally ill has a corresponding meaning.

1.2 Notes

- (1) Notes in these rules are for explanatory purposes only and do not form part of the rules.
- (2) The Diocesan Secretary is authorised to update the notes when reprinting these rules under clause 8 of the Interpretation Ordinance 1985.

CHAPTER 2

CONSTITUTION AND APPOINTMENT OF BODIES AND OFFICERS OF THE PARISH

Part 1 General meetings of parishioners

2.1 General meetings of parishioners

- (1) A general meeting of parishioners of a church may be convened at any time to consider any business connected with the church.
- (2) A general meeting of parishioners of a parish may be convened at any time to consider any business connected with the parish.

Note: A general meeting of parishioners is to be convened and conducted in accordance with part 1 of Chapter 4.

2.2 Annual general meetings of parishioners

- (1) An annual general meeting of parishioners of a church is to be convened each year for each church and held on a day which is on or after 1 February and not later than 31 March in that year.
- (2) At the request of the minister and wardens of a church, the Archbishop may for a particular year permit an annual general meeting of parishioners to be convened on a day which is outside the period referred to in sub-rule (1).

Note: The business of an annual general meeting of parishioners in a parish with one church is set out in rule 3.1(1). The business of an annual general meeting of parishioners in a parish with more than one church is set out in rule 3.1(2).

Part 2 Parish council

2.3 Constitution of the parish council

There is to be a parish council for the parish which is, subject to these rules, the governing body for the financial and property affairs of the parish and each church of the parish.

2.4 Composition of the parish council

- (1) If there is only one church of the parish, the composition of the parish council is –
 - (a) the minister, and
 - (b) the wardens, and
 - (c) the qualified persons elected and appointed to the parish council at and after the annual general meeting of parishioners in accordance with rules 3.1(1)(l) and 3.16.

However if the annual general meeting of parishioners determines that the parish council is not to include qualified persons elected to the parish council, the composition of the parish council is the minister and the wardens.

- (2) If there is more than one church of the parish, the composition of the parish council is –
 - (a) the minister, and
 - (b) the wardens of the principal church, and
 - (c) the qualified persons elected and appointed to the parish council at and after the annual general meeting of parishioners of the principal church in accordance with rule 3.1(2)(l) or (m) and rule 3.16, and
 - (d) one of the wardens of each other church of the parish appointed from time to time by the wardens of that church.
- (3) If the number of qualified persons elected to the parish council at the annual general meeting of parishioners is less than the number resolved under rule 3.1(1)(l)(i) or required to be elected under 3.1(2)(l) or (m), the parish council may appoint a qualified person to each unfilled position.
- (4) If two or more parishes are amalgamated or a new parochial unit is created under the Parishes Ordinance 1979, the parish council consists of the minister and the wardens of each church of the amalgamated parishes or the new parochial unit until a parish council is constituted at the next annual general meeting of parishioners, unless the instrument

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amalgamating the parishes or creating the new parochial unit specifies some other arrangement for the interim parish council.

2.5 Modification of composition of parish council and election of qualified persons

- (1) The Archbishop-in-Council may, on the application of the wardens of any church of the parish, make any modification to the composition of the parish council in a particular case.
- (2) Notwithstanding anything in these rules, on application from the parish council of a parish having more than one church, the Archbishop-in-Council may permit a parish council to be elected by a general meeting of parishioners of the whole parish convened by the minister.
- (3) The Archbishop-in-Council may, on application by the wardens of any church of a parish referred to in sub-rule (2), from time to time revoke or vary the permission.

2.6 Qualification to be a parish councillor

- (1) A person not less than 18 years of age who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed as a member of a parish council of a parish if the person is a parishioner of a church in that parish.
- (2) A person who is –
 - (a) bankrupt, or
 - (b) mentally ill or is otherwise incapable of acting, or
 - (c) a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998

may not be elected or appointed as a member of a parish council or a committee established under rule 3.5.

Note: Rule 1.1(5) defines when a person is bankrupt or mentally ill.

- (3) A person who holds the office of auditor of the financial statements and accounts of the wardens may not become or remain a member of the parish council.

2.7 Declaration to be made by person nominated or appointed as a parish councillor

- (1) A person who is proposed or nominated for election or appointment as a member of a parish council 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.”

either –

- (a) at the general meeting of parishioners at which the person is to be or is elected, or
 - (b) within 7 days before or after election or appointment, or
 - (c) if the person is temporarily absent from the diocese within 7 days of their return, or
 - (d) within such further period as may be approved by the Registrar or the Regional Archdeacon.
- (2) The office to which a person was elected or appointed becomes vacant if that person fails to make the declaration required by this rule.

2.8 End of appointment of a member of parish council

- (1) The office of a member of a parish council becomes vacant –
 - (a) if the member –
 - (i) dies, or
 - (ii) resigns, or
 - (iii) becomes bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting, or
 - (v) becomes a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998, or
 - (vi) is elected or appointed to the office of auditor of the financial statements and accounts of the wardens, or

- (b) in the case of an elected member, on the election or appointment of a successor, or
- (c) in the case of an appointed member, on the appointment, as referred to in rule 3.16(1) of the member's successor, or
- (d) in the case of an elected or appointed member, on the member's appointment as a warden.

Note: Rule 1.1(5) defines when a person becomes bankrupt or mentally ill.

(2) For the purposes of sub-rule (1), a vacancy occurs when the minister receives the resignation or notice of the fact or circumstance that causes the vacancy.

Note: The minister is responsible for reporting to the Registrar any vacancy in the office of a member of the parish council except where the vacancy arises on the election or appointment of a successor (see rule 3.19(b)).

(3) A vacancy in the office of a member of a parish council occurring under paragraph (a) or (d) of sub-rule (1) is to be filled –

- (a) if the member was an elected member, at a meeting of the parish council held within 3 months after the vacancy occurred, or
- (b) if the member was an appointed member, by an appointment by the minister within 2 months after the vacancy occurred.

Part 3 Wardens

2.9 Wardens for each church

(1) There are to be 3 wardens for each church of the parish who, subject to these rules, administer the financial and property affairs of the church.

(2) Two qualified persons are to be elected as wardens by the annual general meeting of parishioners in accordance with rule 3.1(1)(j) or 3.1(2)(j). One qualified person is to be appointed as a warden by the minister in accordance with rule 3.15.

2.10 A person as a warden of more than one church

(1) The Archbishop-in-Council may give permission for a person who is a warden of a church to be elected or appointed as a warden of another church (“the relevant church”) within the parish.

(2) The Archbishop-in-Council may only grant permission on the request of the minister made in accordance with a resolution passed at a general meeting of parishioners of the relevant church by a two-thirds majority of persons present and entitled to vote.

(3) The permission may be given generally or in respect of a specific person and may be given for a specified period or indefinitely.

(4) The Archbishop-in-Council may vary or discontinue the permission on the application of the minister made in accordance with a resolution passed at a general meeting of parishioners of the relevant church by a majority of persons present and entitled to vote.

2.11 Acts of the wardens

(1) An act done by any 2 wardens of a church is to be taken to be the act of the wardens of that church, provided that all reasonable efforts have been taken first to consult the third warden at the time the act is done.

(2) A warden is disqualified from taking part in any act of the wardens if the warden or a member of the warden’s family has a personal financial interest in the act.

Note: See also rule 3.13B concerning decision-making by a warden in relation to a family member who is appointed or proposed to be appointed as a parish worker.

2.12 Qualifications to be a warden

(1) A parishioner of a church of the parish who is not less than 18 years of age and who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed as a warden of that church, except as provided by this rule.

(2) The spouse of a person in Holy Orders licensed to the parish is not qualified to be elected or appointed as a warden.

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- (3) At any one time, a husband and wife may not both be wardens of a church.
- (4) A person who is engaged as an employee and who is paid from the funds of the church or parish may not be appointed or elected as a warden.
- (5) A person who is bankrupt or a person who is mentally ill or is otherwise incapable of acting may not be appointed or elected as a warden of a church.

Note: Rule 1.1(5) defines when a person is bankrupt or mentally ill.

- (6) A person who is a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998 may not be appointed or elected as a warden of a church.

2.13 Election and appointment of wardens

- (1) Two qualified persons are to be elected as wardens in accordance with rule 3.1(1)(j), 3.1(2)(j) or this rule and one is to be appointed by the minister in accordance with rule 3.15 or this rule.
- (2) If the annual general meeting of parishioners or any other general meeting of parishioners fails to elect the requisite number of qualified persons to be wardens, the parish council may appoint any qualified parishioner or parishioners of the same or any other church within the parish to fill the remaining vacancy or vacancies.
- (3) If the minister fails to nominate a warden prior to the election required by rules 3.1(1)(j) or 3.1(2)(j), he may do so at any time after the relevant meeting but must endeavour to do so as soon as possible.
- (4) A person who is proposed or nominated for election or appointment as a 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.”

- (5) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this rule –
 - (a) on or before the person's election or appointment, or
 - (b) within 7 days after the person's election or appointment, or
 - (c) if the person is temporarily absent from the Diocese, within 7 days of their return, or
 - (d) within such further period as may be approved by the Registrar or the Regional Archdeacon.

2.14 End of appointment of warden

- (1) The office of a warden becomes vacant –
 - (a) if the warden –
 - (i) dies, or
 - (ii) resigns, or
 - (iii) becomes an bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting, or
 - (v) becomes engaged as an employee who is paid from the funds of the parish or church or becomes the spouse of such a person, or
 - (vi) becomes a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998, or
 - (b) in the case of an elected warden –
 - (i) on appointment as a warden by the minister, or
 - (ii) on the election of a successor, or
 - (c) in the case of an appointed warden –
 - (i) on the appointment, as referred to in rule 3.15, of the warden's successor, or
 - (ii) on election as a warden.

Note: Rule 1.1(5) defines when a person becomes bankrupt or mentally ill.

(2) For the purposes of sub-rule (1), a vacancy occurs when the minister receives the resignation or notice of the fact or circumstance that causes the vacancy.

Note: *The minister is responsible for reporting to the Registrar any vacancy in the office of a warden except where the vacancy arises on the election or appointment of a successor (see rule 3.19(b)).*

(3) A person who ceases to hold office as a warden pursuant to paragraph (b) or (c) of sub-rule (1) is not prevented from exercising any function which, under these rules or other lawful authority, the person may be entitled or required to exercise after the time at which the person ceased to hold that office.

(4) A vacancy in the office of warden occurring under paragraph (a), (b)(i) or (c)(ii) of sub-rule (1) must be filled –

- (a) if the warden was an elected warden, at a general meeting of parishioners convened by the minister and wardens and held within 3 months after the vacancy occurred, or
- (b) if the warden was an appointed warden, by an appointment by the minister.

(5) The wardens continue to hold office despite the destruction or delicensing of their church, but those wardens cease to hold office 7 days after the Archbishop signs a notice to the Registrar and to those wardens that they are to cease to hold office.

2.15 Delivery of keys and papers etc to successors

(1) At or within 7 days after the persons elected or appointed as wardens cease to hold office, such persons must deliver to their successors all keys, church papers, financial records, invoices for payment and the balance of funds shown by the financial records for which they are responsible.

(2) On a casual vacancy arising in the office of a warden, all keys, church papers, financial records, invoices for payment and funds of the church or parish in the hands of the person who has vacated office –

- (a) must be delivered to the remaining warden or wardens by that person within 7 days after the vacancy occurs, or
- (b) if personal delivery is impossible, must be recovered by the remaining wardens as soon as possible and shall be taken to have been delivered.

(3) Delivery of the keys, documents and funds referred to in sub-rules (1) and (2) constitute a constructive delivery of any interests at law in all the furniture and fittings of the properties of the church or parish.

Part 4 Auditor

2.16 Auditor of the financial statements and records of the wardens

(1) There is to be an auditor for each church of the parish elected under rule 3.1(1)(k) or 3.1(2)(k) to audit the financial statements and accounts of the wardens of the church.

(2) Subject to sub-rule (3), a person is qualified to be elected or appointed to audit the financial statements and accounts of the wardens of a church of the parish if that person is not less than 21 years of age.

(3) A person is not qualified to be elected or appointed as an auditor if –

- (a) the person is a warden of that church, or
- (b) the person was a warden of that church at any time during the financial year or other period to which those financial statements and accounts relate.

(4) A person who has been elected or appointed as an auditor ceases to hold that office upon that person being elected or appointed as a warden of that church.

CHAPTER 3

FUNCTIONS OF BODIES AND OFFICERS OF THE PARISH

Part 1 Annual general meeting of parishioners

3.1 Business of the annual general meeting of parishioners

Note: *All business of an annual general meeting of parishioners is to be transacted by resolution of a majority of persons present at and entitled to take part in the annual general meeting.*

(1) In a parish with only one church, the business of the annual general meeting of parishioners of a church is –

- (a) to receive the declarations of those persons then present (rule 4.2(1) and (2)), and
- (b) to determine whether a quorum is present (rule 4.3(1)), and
- (c) to elect a minute secretary, and
- (d) to receive apologies, and
- (e) to give directions as to the confirmation of the minutes of the meeting at or after its conclusion, and
- (f) to receive reports about ministry within the parish from –
 - (i) the minister, and
 - (ii) with the minister's consent, a superintendent, teacher, leader or other officer appointed under rule 3.18(1), and
- (g) to receive and pass or otherwise determine on the financial statements of the wardens (rule 3.9(4)) and to receive any report from the wardens about the exercise of their other functions, and
- (h) to receive and pass or otherwise determine on any separate financial statements of any organisation of the church or parish (rule 3.10(3)), and
- (i) to receive notification of the name of the person appointed by the minister as a warden (rule 3.15), and
- (j) to elect 2 qualified persons to be wardens, and
- (k) to elect a qualified person or persons to the office of auditor of the financial statements and accounts of the wardens, and
- (l) to determine whether or not qualified persons should be elected as members of the parish council and if in the affirmative –
 - (i) to resolve that there be 3, 6 or 9 elected persons, and
 - (ii) to elect qualified persons to be those members, and
- (m) to elect parish nominators if entitled to do so under the Nomination Ordinance 2006 or to postpone the election until an adjourned or subsequent general meeting of parishioners in accordance with that Ordinance, and
- (n) to elect a representative or representatives if entitled to do so under the Synod Membership Ordinance 1995 or to postpone the election until an adjourned or subsequent general meeting of parishioners, and
- (o) to make such recommendations as it may wish on any matter connected with the business of the church or parish, including any matter which it is appropriate for the wardens or parish council to deal with, and
- (p) to exercise any other function which may be authorised by any ordinance.

(2) In a parish with more than one church, the business of the annual general meeting of parishioners of a church is –

- (a) to receive the declarations of those persons then present (rule 4.2(1) and (2)), and
- (b) to determine whether a quorum is present (rule 4.3(1)), and
- (c) to elect a minute secretary, and
- (d) to receive apologies, and
- (e) to give directions as to the confirmation of the minutes of the meeting at or after its conclusion, and

- (f) to receive reports about ministry within the parish from –
 - (i) the minister, and
 - (ii) with the minister's consent, a superintendent, teacher, leader or other officer appointed under rule 3.18(1), and
- (g) to receive and pass or otherwise determine on the financial statements of the wardens (rule 3.9(4)) and to receive any report from the wardens about the exercise of their other functions, and
- (h) to receive and pass or otherwise determine on any separate financial statements of any organisation of the church or parish (rule 3.10(3)), and
- (i) to receive notification of the name of the person appointed by the minister as a warden (rule 3.15), and
- (j) to elect 2 qualified persons to be wardens, and
- (k) to elect a qualified person or persons to the office of auditor of the financial statements and accounts of the wardens, and
- (l) if the composition of the parish council has not been modified under rule 2.5 and it is the annual general meeting of parishioners of the principal church of the parish, to elect 3, 6 or 9 qualified persons to be member of the parish council, and
- (m) if the composition of the parish council has been modified under rule 2.5, to elect such qualified persons as the annual general meeting of parishioners is entitled to elect under the terms of the modification to be members of the parish council, and
- (n) to make such recommendations as it may wish on any matter connected with the business of the church or parish, including any matter which it is appropriate for the wardens or parish council to deal with, and
- (o) to exercise any other function which may be authorised by any ordinance.

Note: *In a parish with more than one church –*

- (a) *the parish nominators are usually 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 wardens of the principal church of the parish appoint (clause 33 Nomination Ordinance 2006), and*
- (b) *the representatives of the parish for a Synod are elected at a general meeting of parishioners of the parish referred to in rule 3.1(2) held at any time during the calendar year in which the first ordinary session of the Synod is to be convened or at any time thereafter (clause 15 Synod Membership Ordinance 1995).*

3.2 Combined annual general meeting of parishioners in multi-church parishes

- (1) At the request of the parish council of a parish with more than one church, the Archbishop-in-Council may permit a combined annual general meeting of parishioners of all or some of the churches of the parish to deal with such of the matters referred to in rule 3.1(2) as the Archbishop-in-Council considers proper.
- (2) The permission must specify –
 - (a) the matters that may be dealt with by all persons present and entitled to take part in the meeting, and
 - (b) the matters that may be dealt with only by a class or classes of those persons and the class or classes of those persons who may deal with those matters.
- (3) The permission may be given unconditionally or subject to conditions.
- (4) The permission may be given for a specific period or indefinitely.
- (5) The wardens of a church affected by such a permission may apply to the Archbishop-in-Council to vary or discontinue the permission and the Archbishop-in-Council may deal with the application as is considered appropriate.

Part 2 Parish council

3.3 General right and power

- (1) In the control of the funds and property of the parish and each church of the parish, the parish council has the right and power –

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- (a) to determine matters of policy, and
- (b) to approve budgets (including the annual budget prepared by the wardens for submission to the annual general meeting of parishioners), and
- (c) to authorise payments.

(2) The parish council is to exercise this right and power in a manner which does not prevent the proper exercise of any function under these rules in respect of the funds and property of the parish and each church of the parish.

3.4 Functions of the parish council

(1) The functions of the parish council (without imposing on its members any legal liability) are –

- (a) to fix the stipend, allowances and benefits of the minister, and
- (b) with the consent of the minister, to fix the stipend or salary and the allowances and benefits of any assistant minister, lay minister, student minister or other lay worker, and

Note: *Each year the Standing Committee issues Guidelines for the Remuneration of Parish Ministry Staff.*

- (c) in the case of a parish having more than one church, to determine what money is to be paid from time to time by each church towards each expense of the parish, and
- (d) to confer with the minister in the initiation, conduct and development of church or parish work including such matters as are vital to the spiritual welfare of the church or parish and to make recommendations to the minister on ministry within the parish, and
- (e) to consider (on its own motion or on reference by a general meeting of parishioners, the minister or the Archbishop or in accordance with the provisions of any Act or Ordinance) any measure or project affecting or likely to affect the interest of the parish generally and to take proper action thereon in accordance with the functions conferred on it by these rules or any Ordinance or Act, and
- (f) to cause minutes to be kept of its proceedings, and
- (g) to direct the expenditure or investment policy of any surplus funds including the allocation of general funds of the church or parish (not being the subject of any trust) for the general or any specific work of the Anglican Church of Australia in the Diocese of Sydney, and
- (h) to appoint a qualified person or persons to fill any vacancy in the office of auditor of the financial statements and accounts of the wardens of any church of the parish, and
- (i) to fill any casual vacancy which occurs among its elected members in accordance with rule 2.8(3)(a), and
- (j) to make donations for patriotic or charitable purposes or for the purposes of a Christian missionary society, whether local or foreign, Anglican or non-Anglican, and
- (k) to do all things as it can reasonably do (including providing funds) to enable any wardens of the parish to comply with rule 3.11(1)(d).

Notes:

- (1) *See rule 6.3 which deals with the functions of the parish council in relation to associated congregations.*
 - (2) *See rule 7.3 which provides for the parish council's role in the appointment of the safe ministry representative for the parish.*
- (2) The parish council must, without delay, give to the wardens of each church of the parish notice of any determination under paragraph (c) of sub-rule (1). The wardens of any such church may appeal from the determination to the Regional Archdeacon and the decision given is final.

3.5 Committees of a parish council

- (1) A parish council may, by resolution –
- (a) establish a committee, and
 - (b) delegate to that committee all or any of the parish council's functions, rights and powers under rule 3.3 and paragraphs (b), (d), (e), (g), (h) and (j) of rule 3.4(1).

Note: *The parish council remains responsible for the exercise of any functions delegated to a committee.*

- (2) The parish council may, by resolution, abolish a committee or revoke the delegation made to any committee under sub-rule (1), or both.
- (3) A committee established by the parish council under sub-rule (1) may comprise or include persons who are not members of the parish council.

Note: *A person may not be elected or appointed to a committee of a parish council if the person is a prohibited person (see rule 2.6(2)).*

- (4) The parish council is, from time to time, to determine –
- (a) the membership of a committee established under sub-rule (1), and
 - (b) the quorum for meetings of that committee.

3.6 Secretary

A parish council may appoint one of its members to be its secretary for the time being and may remove any such person from the office.

Note: *The chairman of the parish council is usually the minister (see rule 4.10).*

Part 3 Wardens

Division 1 Financial

3.7 Main financial functions

- (1) The main financial functions of the wardens are –
- (a) to ensure the proper management, security and financial administration of all money and other property of the church (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held), and
 - (b) in the case of wardens of the principal church in a parish having more than one church, to ensure the proper management, security and financial administration of all money and other property of or payable to the parish or collected or held in connection with matters affecting the parish as a whole and not being for the use or benefit of, or the responsibility of, any one church in the parish only (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held), and
 - (c) to ensure proper procedures are followed for the collection, counting, recording in the register of services and banking of all offertory and collection money in connection with services in the church, and
 - (d) to keep proper accounting records of all money received and expended by them, and
 - (e) to pay or provide to the persons entitled to receive them all such stipends, salaries, allowances and benefits as are authorised by the parish council to be paid or provided in accordance with the powers conferred by this or any other ordinance, and
 - (f) in the case of wardens of each church other than the principal church in a parish having more than one church, to pay to the wardens of the principal church all amounts required to be paid in respect of each such church in accordance with rule 3.4(1)(c), and
 - (g) to insure, to the extent required by law, the persons referred to in paragraph (e) for any purpose but only to the extent that such insurance has not been taken out by the Property Trust.

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Note: See rule 6.3 which deals with the functions of the wardens in relation to associated congregations.

(2) The functions of the wardens of a church under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.3.

(3) The wardens may arrange for a person or persons to perform any one or both of the functions referred to in paragraphs (c) and (d) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or the delegations of the wardens under rules 3.8 and 3.13 nor does it have the effect of removing the wardens' responsibility for the functions under sub-rule (1).

Note: For the purposes of discharging the functions in rule 3.7, the Standing Committee issues Parish Accounting and Administration Guidelines from time to time.

3.8 Treasurer, accountant or bookkeeper

(1) The wardens may appoint one of themselves to act as treasurer or may, with the concurrence of the minister, appoint one or more other persons to act as treasurer, assistant treasurer, accountant or bookkeeper to assist them in their functions and, subject to rule 9.3, may remove any such person from office.

(2) In connection with matters affecting the parish as a whole under rule 3.7(1)(b) the wardens of the principal church may appoint one of their members to act as treasurer for any money collected, expended or held, or may, with the concurrence of the minister, appoint any other person to act as treasurer, assistant treasurer, accountant, bookkeeper to assist them in such functions and, subject to rule 9.3, may remove any such person from office.

(3) Nothing in this rule has the effect of removing from the wardens or any of them, their responsibility in relation to any funds or property of the church or parish.

3.9 Preparation of financial statements and accounts before annual general meeting of parishioners

(1) Before the annual general meeting of parishioners of a church, the wardens are to prepare financial statements and accounts comprising –

- (a) a statement of the receipts and payments of the church during the previous financial year, and
- (b) a statement of the assets and liabilities of the church at the close of the financial year, and
- (c) in the case of wardens of the principal church in a parish having more than one church, if separate financial records are kept in connection with matters affecting the parish as a whole and not being the responsibility of any one church only, separate statements of receipts and payments and any assets and liabilities in relation to those matters, and
- (d) a statement in such form as is from time to time prescribed by resolution of Standing Committee setting out full particulars of all current insurances effected by them as required by rule 3.7(1)(g), and
- (e) a budget for the then current financial year,

and all such statements and accounts must be in the form last prescribed by the Standing Committee, by resolution.

Note: Under rule 3.3(1)(b) the parish council may approve the budget prepared by the wardens before it is submitted to the annual general meeting of parishioners.

(2) Before the annual general meeting of parishioners, the wardens are to call on the auditor or auditors duly appointed under these rules to report on the financial statements prepared pursuant to paragraphs (a) to (d) of sub-rule (1) and on the accounting records kept by them and to state, in that report –

- (a) whether the financial statements, in the opinion of the auditor or auditors, are properly drawn up so as to give a true and fair view of the receipts and payments, assets and liabilities of the church or parish, and
- (b) whether the financial statements, in the opinion of the auditor or auditors, comply with the provisions of these rules, and

(c) where not so satisfied, the reasons for not being so satisfied.

(3) On at least one Sunday before the annual general meeting of parishioners, being a Sunday on which at least one service of public worship is conducted, the wardens are to make copies of those financial statements and reports available for inspection or distribution (or both) at or near each main entrance to the church, in such quantities and manner as the minister and wardens may reasonably determine, and to cause an announcement to be made at such service to the effect that those financial statements and reports are so available.

(4) The wardens are to produce those financial statements and reports at the annual general meeting of parishioners.

(5) At or within 7 days after the annual general meeting of parishioners, the wardens are to forward copies of the financial statements referred to in paragraphs (a) to (d) of sub-rule (1) to the Diocesan Secretary, and to comply with rule 2.15 concerning the delivery of keys, documents and funds etc.

3.10 Financial affairs of parish organisations

(1) The wardens are responsible for keeping proper financial records of any organisation of the parish or any church of the parish established under rule 3.18 and for those purposes –

- (a) may keep separate financial records for the organisation or may incorporate the financial records of the organisation as part of the financial statements of the church or parish under rule 3.9, and
- (b) may appoint and remove a person to act as treasurer of the organisation.

(2) If the financial statements of the organisation are not incorporated as part of the financial statements of the church or parish, before the annual general meeting of parishioners of the principal or only church of the parish the wardens are –

- (a) to prepare financial statements comprising –
 - (i) a statement of the receipts and payments of the organisation during the previous financial year, and
 - (ii) a statement of the assets and liabilities of the organisation at the close of the financial year, andin the form last prescribed by the Standing Committee, and
- (b) to present the financial statements for audit to the auditor appointed by the annual general meeting of parishioners.

(3) The wardens are to produce the duly audited financial statements prepared under sub-rule (2) to the annual general meeting of parishioners and, at or within 7 days after the annual general meeting of parishioners, are to forward copies of these financial statements to the Diocesan Secretary.

(4) If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the church or parish, and its books and records (other than any financial records which must be given to the wardens) must be given to and remain in the custody of the minister.

Division 2 Property

3.11 Main property functions

(1) The main property functions of the wardens are –

- (a) to keep order in each church and its grounds for which they are responsible, and
- (b) to ensure proper care is taken of the church and other things relating to the conduct of services of public worship and to ensure that those things are available whenever needed for such purposes, and
- (c) to ensure proper repair and maintenance is undertaken of all buildings (including church, hall and rectory), and their fixtures, furniture and contents which are the property of the church or parish, and
- (d) if any property of the church or parish is listed on the State Heritage Register maintained from time to time under the Heritage Act 1977 (the “Act”) –

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- (i) to ensure the repair and maintenance of the property is in accordance with the minimum standards (if any) prescribed from time to time by the Act or any regulations made under the Act, and
- (ii) where the Property Trust or other trustee is the owner of that property for the purposes of the Act, to provide within 28 days of receipt of a written request, such information as the Property Trust or other trustee reasonably requires about compliance with the requirements of subparagraph (i), and
- (e) to provide the minister with sufficient means for the safe custody of all church registers and records.

Note: See rule 6.3 which deals with the functions of the wardens in relation to associated congregations.

(2) The functions of the wardens of a church under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.3.

(3) The wardens may arrange for a person or persons to perform either or both of the functions referred to in paragraphs (a) and (b) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or delegations of the wardens under rules 3.8 and 3.13 nor does it have the effect of removing the wardens' responsibility for the functions under sub-rule (1).

Note: Contracts for the purchase of land in the name of the Property Trust, or for the improvement or maintenance of property held by the Property Trust must generally be signed by the Property Trust. However, in view of the wardens' responsibility under rule 3.11(1)(c) to ensure the proper repair and maintenance of all buildings on such property, the Property Trust has resolved that wardens can sign building contracts up to \$20,000 for works in the nature of repairs or renovations.

3.12 Granting of licences by wardens

Subject to rules 3.20 and 5.3 to 5.7, the wardens may grant a licence to permit a person or organisation ("licensee") to use real property of the church for purposes not connected with the church if –

- (a) the use of the property by the licensee is not –
 - (i) prohibited by law or by the trusts on which the property is held, or
 - (ii) for the purposes of a pre-school, kindergarten, child care centre, long-day care centre or like service, and
- (b) the terms upon which the licensee is to be permitted to use the property are documented in a form last approved by the Property Trust, and
- (c) the period during which the licensee is permitted to use the property does not exceed 5 years, and
- (d) the amount payable by or on behalf of the licensee for the licence is not more than \$50,000 per annum (including GST), or such other amount as may be determined by the Standing Committee by resolution from time to time, and
- (e) the granting of the licence has been approved in writing by the Regional Archdeacon and the majority of the parish council of the parish.

Division 3 Appointment of paid workers

3.13 Appointment of administrators, cleaners, gardeners, etc

The wardens of the principal or only church of the parish may, with the concurrence of the minister, appoint an administrator, cleaner, gardener or other paid worker to perform duties in the parish, and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

3.13A Appointment of lay ministers and student ministers

The wardens of the principal or only church of the parish may, with the concurrence of the minister, appoint a lay minister or a student minister and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

Note: The minister is responsible for the spiritual welfare of the parish (see Part 4 Division 1). Accordingly any employment relationship established under rule 3.13A between the

wardens and a person appointed to assist the minister in this responsibility is for administrative purposes only. The minister retains control of the duties performed by such a person.

3.13B Decision-making concerning family members

A warden who is a family member of a person appointed or proposed to be appointed under rule 3.13 or 3.13A is not to take part in any decision concerning the appointment or removal of such person and is not to participate in any performance review of such person.

Division 4 Reporting

3.14 Reporting to Archbishop

The wardens are to report to the Archbishop any grave irregularities in the conduct of services of public worship and any wilful neglect of duty or any flagrant misconduct on the part of the minister.

Division 5 Investment

Note: *Under clause 5 of the Investment of Church Trust Property Ordinance 1990, a person who or an organisation which holds church trust property may invest such property only in any one or more of the following investments –*

- (a) *deposit with the Glebe Administration Board or any authorised deposit-taking institution,*
- (b) *any public funds or Government Stock or Government Securities of the Commonwealth of Australia or any State thereof,*
- (c) *any debentures or securities guaranteed by the Government of the Commonwealth of Australia or any State thereof,*
- (d) *deposit with any dealer in the short term money market being a dealer which has been approved by the Reserve Bank of Australia as an authorised dealer and has established lines of credit with that bank as a lender of last resort,*
- (e) *the acquisition of any bill of exchange which –*
 - (i) *at the time of acquisition has a maturity date of not more than 200 days, and*
 - (ii) *if purchased for value confers on the holder a right of recourse against a bank as the acceptor or endorser of the bill for an amount equal to the face value of the bill,*
- (f) *certificates of deposit issued by an authorised deposit-taking institution,*
- (g) *units in any managed investment scheme –*
 - (i) *which is registered under the Corporations Act 2001, and*
 - (ii) *for which there is a disclosure document lodged with the Australian Securities and Investments Commission under the Corporations Act 2001, and*
 - (iii) *for which the responsible entity is an authorised deposit-taking institution or a related body corporate of an authorised deposit-taking institution,*

except where the scheme conducts as its main business or one of its main businesses a business which the Synod or the Standing Committee has by resolution declared to be a disapproved business or the scheme mainly invests in the securities of a corporation or scheme which conducts such a business as its main business or one of its main businesses.

For the purpose of paragraph (g), the Standing Committee has declared the following businesses to be disapproved businesses –

- (i) *the manufacture, promotion, distribution or sale of armaments,*
- (ii) *a business which is illegal or immoral,*
- (iii) *the manufacture, promotion, distribution, or sale of tobacco,*
- (iv) *the business of gambling or betting or directly connected therewith,*
- (v) *the manufacture, promotion, distribution or sale of liquor, and*
- (vi) *production, sale or distribution of 'X' or 'R' rated video or digital images, videos or films.*

Part 4 Minister

Division 1 Spiritual welfare

Note: *The minister has general responsibility for the spiritual welfare of the parish and each church in the parish and for this purpose has powers, rights and duties in accordance with his licence and authority from the Archbishop.*

Division 2 Appointment of officers

3.15 Warden

- (1) The minister must normally appoint one qualified person to be a warden within 7 days before the election of wardens at an annual general meeting of parishioners.
- (2) If the minister does not make the appointment before the election of wardens at the annual general meeting of parishioners, the minister must comply with rule 2.13(3).

3.16 Parish councillors

- (1) The minister may, at an annual general meeting of parishioners or within 28 days after the meeting, appoint one qualified person to be a member of the parish council for each 3 persons determined by the annual general meeting of parishioners to be elected as members of the parish council.
- (2) The right to make an appointment under sub-rule (1) lapses if it has not been exercised within 28 days after the annual general meeting of parishioners.

3.17 Organist, musician, choirmaster and choir

The minister may appoint an organist, musician, music director, choirmaster, the members of a choir of a church and, subject to rule 9.3, may remove any such person from office.

3.18 Parish organisations

- (1) The minister may establish any Sunday school, Bible class, home group, study group, youth fellowship or other organisation of the parish or any church of the parish to further the work of the parish or church.
- (2) Subject to the powers of the Archbishop, the minister has control of the policy, organisation and affairs of any organisation established under sub-rule (1) and for those purposes may appoint and, subject to rule 9.3, remove such superintendents, teachers, leaders or other officers (excluding any treasurer appointed under paragraph (b) of rule 3.10(1)) as he thinks fit.
- (3) The minister may delegate all or any of the powers conferred by sub-rule (2).
- (4) Every person appointed to any office under this rule must perform the duties of the office in accordance with these rules.

3.18A Safe ministry representatives

The minister must appoint and may revoke the appointment of a person as a safe ministry representative under rule 7.3.

Division 3 Reporting

3.19 Reporting to Registrar

The minister must cause to be promptly reported to the Registrar of the Diocese –

- (a) the names, addresses and acceptances of all persons elected or appointed to the office of trustee, warden, member of the parish council or safe ministry representative, and
- (b) a vacancy arising in any of those offices except where the vacancy arises on the election or appointment of a successor.

Note: *The minister is also responsible for –*

- (a) *sending to the Registrar a certified list of the persons (including full names, addresses and occupations) elected or appointed as parish nominators (see clause 38 Nomination Ordinance 2006), and*

- (b) *giving the Registrar a written notice specifying the name, address and date of election of persons elected as parochial representatives for the forthcoming Synod (see clause 17 Synod Membership Ordinance 1995).*

Division 4 Property

3.20 Minister's rights to access and use church or parish property

- (1) The minister is entitled to free use of the rectory, its garden and outbuildings. Any dispute about such use may be resolved by the Archbishop.
- (2) The minister is entitled to access into the church at all times and may, in the church, conduct a service of public worship without hindrance from any person.
- (3) The minister is entitled to free use of any hall for such parochial purposes as he determines, subject to –
- (a) the trusts on which the property is held, and
 - (b) any legally binding arrangements made by the trustee of the same with the approval of the parish council.
- (4) The minister is entitled to have keys to the buildings to which this rule applies.
- (5) A church of the parish must not be used for any purpose not sanctioned by the minister. The rectory must not be used for any purpose not sanctioned by the minister. A church hall must not be used for any purpose not sanctioned by the minister and wardens acting together. In any decision about the use of a church hall the minister has a deliberative vote only.

Division 5 Registers and records

3.21 Minister's responsibilities for records

- (1) The minister must cause a register or registers to be maintained in each church in which –
- (a) he will record or cause to be recorded the following details of each service of public worship conducted in the church –
 - (i) the time, date and place of the service, and
 - (ii) the number of persons attending the service, and
 - (iii) the name of the person, if any, preaching at the service, and
 - (b) he will record or cause to be recorded the following details of each baptism service conducted in the church –
 - (i) the date and place on which the baptism service took place, and
 - (ii) the full name and address of the person baptised, and
 - (iii) the date of birth of the person baptised, and
 - (iv) if the person baptised was an infant, the full name and address of each parent of the person, and
 - (v) the name of the officiating minister, and
 - (c) he will record or cause to be recorded the following details of each confirmation service conducted in the church –
 - (i) the date and place on which the confirmation service took place, and
 - (ii) the full name of each person confirmed, and
 - (iii) the date each person was baptised, and
 - (iv) the name of the officiating bishop, and
 - (d) he will retain or cause to be retained a certificate of marriage in respect of each marriage conducted in the church, and
 - (e) he will record or cause to be recorded the following details of each funeral service conducted in or in association with the church –
 - (i) the date and place of the funeral service, and
 - (ii) the name and address of the deceased, and
 - (iii) the deceased's date of death, and
 - (iv) the name of the officiating minister.

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- (2) The minister is responsible for the safe custody of all church registers and records, other than current books of account.
- (3) The registers must be kept within the church or church office or in such other place as the Archbishop may from time to time appoint in writing.
- (4) The minister must make the church registers available on request for inspection by the Archbishop, the Regional Bishop, the Regional Archdeacon or another person appointed by the Archbishop in writing for that purpose and must make a search of the register and furnish an extract if requested by the Archbishop, the Regional Bishop, the Regional Archdeacon or such other person appointed by the Archbishop. The minister may on the application of any other person and on the payment of a reasonable fee make a search and furnish an extract from the register.
- (5) If there is no minister, the minister's functions under this rule attach to the wardens.

Notes:

- (1) *See rule 6.3 which deals with the functions of the minister in relation to associated congregations.*
- (2) *In view of privacy legislation (and in accordance with archival practice), ministers should consider limiting the provision of an extract from a church register under rule 3.21(4) involving a baptism, confirmation or marriage which took place in the last 70 years to the person(s) about whom the information relates. There is generally no such restriction on the release of information about funerals since privacy considerations do not directly apply to deceased persons.*

CHAPTER 4

CONVENING AND CONDUCTING MEETINGS

Part 1 General meetings of parishioners

4.1 Convening a general meeting of parishioners

(1) A general meeting of parishioners of a church may be convened by the minister and wardens of a church.

(2) If an ordinance requires any business to be referred to a general meeting of parishioners in a parish in which there are 2 or more churches and the business concerns all of the churches, a combined general meeting of parishioners of the whole parish must be convened by the minister and wardens of the principal church.

(3) The Archbishop may direct the minister and wardens of a church to convene a general meeting of parishioners.

(4) A general meeting of parishioners is convened –

- (a) by notice in writing placed in a prominent position at the main entrance to the church or published in any weekly church bulletin, and
- (b) by announcement at each Sunday service of public worship held at the church and for each associated congregation of the church on at least 2 Sundays before the day of the meeting,

of the date, time and place of the meeting and in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting.

(5) If services of public worship are celebrated less frequently than once each Sunday, the announcement may be made at the service or services of public worship celebrated on only one Sunday before the general meeting of parishioners.

(6) The minister may give notice of a general meeting of parishioners by such means and at such times as he thinks fit in addition to the notice required to be given under this rule.

4.2 Participation in a general meeting of parishioners

(1) A person (other than the minister) is not entitled to take part in or to be counted for the purposes of a quorum at a general meeting of parishioners unless the person has first subscribed the following declaration –

“I am a member of the Anglican Church of Australia.

I have been baptised.

I am not less than 18 years of age.

I have usually during 3 months within the past 12 months attended services of public worship at [name of church] or as part of an associated congregation of that church.

I do not claim to be a parishioner of any other church or parish of the Anglican Church of Australia.

Dated this day of 20 .”

(2) In the case of an annual general meeting of parishioners, the following additional subscription is to be added to the declaration in sub-rule (1) –

“I have not voted at a general meeting of parishioners of any other church or parish of the Anglican Church of Australia within the past 3 months and I do not intend to vote at a general meeting of parishioners of any other church or parish of the Anglican Church of Australia within the next 3 months.”

(3) The election of a person to any office is not invalidated by reason only of the omission of any person to make the declaration required by this rule.

(4) It is competent for a general meeting of parishioners to invite any person to be present at the meeting and to speak.

4.3 Requirements for a quorum

(1) Seven persons who have signed the declaration in rule 4.2, or the minister and 6 such persons, constitute a quorum at a general meeting of parishioners.

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(2) If no quorum is present within half an hour after the time appointed for the meeting, the meeting stands adjourned for 7 days, the time and place for the adjourned meeting being the same as those appointed for the first meeting.

(3) If a quorum is not present within half an hour of the time appointed for the adjourned meeting, the meeting is dissolved and the Archbishop or a person or persons appointed by him –

- (a) may deal as he or they think fit with any or all of the business that could have been dealt with at that meeting had a quorum been present, and
- (b) may fix a date by which the minister may make such appointments as he would have been entitled to make under rules 3.15 and 3.16 at or within 28 days after the time appointed for the adjourned meeting.

4.4 Chairman

(1) The minister, if present, is the chairman of a general meeting of parishioners.

(2) If at any time the minister is not present and no appointment has been made under rule 9.7, the meeting, before proceeding to or with any business, must elect a chairman to preside during the absence of the minister.

(3) The chairman has a casting vote only.

(4) Nothing in this rule prevents the minister, if present at a general meeting of parishioners, from authorising a person entitled to take part in the meeting or the Regional Bishop or Regional Archdeacon to be chairman.

(5) The minister may revoke his authorisation under sub-rule (4) at any time.

(6) The Archbishop may direct the minister and wardens to convene a general meeting of parishioners to consider any recommendation of the Advisory Panel established by the Parish Disputes Ordinance 1999 and the Regional Bishop or other person directed by the Archbishop will chair this general meeting of parishioners.

4.5 Preparations for an annual general meeting of parishioners

Before the annual general meeting of parishioners of a church, the wardens must have complied with –

- (a) rules 3.8(1) and 3.9(2)(a) – as to the preparations of financial statements and accounts, and
- (b) rules 3.8(2) and 3.9(2)(b) – as to the auditing of the statements and accounts, and
- (c) rules 3.9(3) and 3.10(3) – as to the making available to parishioners of the financial statements and auditor's report.

4.6 Nominations and elections

(1) A person may not be nominated unless he or she has consented verbally or in writing to the nominator or another person at the meeting. A person nominated need not be present at the meeting. A person making a nomination must be present at the meeting.

(2) If the number of nominated candidates for election to an office does not exceed the number of vacancies to be filled, the election is uncontested and the following rules apply –

- (a) The chairman is to move a motion that the candidates be elected.
- (b) If the motion is carried, the chairman is to declare the candidates elected.
- (c) If the motion is not carried, the chairman shall call again for nominations.

(3) If the number of candidates nominated for election to an office exceeds the number of vacancies to be filled, the election is contested and the following rules apply –

- (a) Voting is to be conducted by secret ballot.
- (b) Each person entitled to take part in the meeting must not vote for more than the number of candidates to be elected.
- (c) The candidate who obtains, or the candidates who obtain, the higher or highest number of votes is elected.
- (d) If, in respect of the last vacancy to be filled, 2 or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chairman.

- (4) In conducting any secret ballot –
 - (a) proxies and preferential voting are not permitted, and
 - (b) where possible, there are to be at least 2 scrutineers, being persons not standing for election.

4.7 Adjournment of general meetings of parishioners

- (1) If a quorum is present at a general meeting of parishioners, the meeting may from time to time be adjourned to such time and place as the meeting may determine.
- (2) Where a general meeting of parishioners is adjourned to a day after the next succeeding Sunday, notice of the adjourned meeting must be given by announcement at each service of public worship held on the Sunday prior to the adjourned meeting.
- (3) The minister may give notice of an adjourned general meeting of parishioners by such means and at such times as he thinks fit in addition to the notice required to be given under this rule.

Part 2 Parish council meetings

4.8 Convening meetings

- (1) The first meeting of a parish council is to be called by the minister or the wardens.
- (2) All subsequent meetings are to be called in such manner and at such times as the parish council determines.
- (3) The minister or a majority of the parish council may call a special meeting of the council at any time by written notice to each member of the council. Any such notice must specify the business to be dealt with at the special meeting and without the consent of all members of the parish council no other business may be dealt with at such meeting.

4.9 Requirements for a quorum

At meetings of a parish council one-third of the existing number of members of the council constitutes a quorum.

4.10 Chairman

- (1) Except as provided by this rule, the minister, if present, is the chairman of a meeting of a parish council.
- (2) If the minister is not present, the members present must elect a chairman to preside during the absence of the minister.
- (3) The chairman has a casting vote only.
- (4) Nothing in this rule prevents the minister, if he is present at the meeting of the parish council, from authorising a member of the council to be the chairman of the meeting.
- (5) An authorisation under sub-rule (4) may be revoked by the minister at any time.
- (6) The minister must, in relation to any matter concerning his stipend or allowances, vacate the chair and the members are to elect a chairman to preside during any discussion or determination of the matter.
- (7)
- (8)

4.10A Conflicts of interest

A member of a parish council is disqualified from taking part in the exercise of any function of the parish council if the member or a member of his or her family has a personal financial interest in the exercise of the function.

Note: For example, a member of the parish council must not vote on or take part in any decision of the parish council to pay to the member or a member of his or her family a stipend, salary or other amount.

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4.11 Resolutions without a meeting

(1) The members of a parish council may pass a resolution without a meeting of the members being held if –

- (a) a document setting out the proposed resolution and containing a statement that a member is in favour of the proposed resolution is provided or sent to each member either personally or at the last postal or electronic mailing address provided by the member for the purpose of receiving material in connection with meetings of the parish council, and
- (b) fractions being counted as one, 75% of the members who would be entitled to vote on a motion for the resolution at a meeting of the parish council notify the person who provided or sent the statement that they are in favour of the proposed resolution by returning to that person a signed copy of the statement or otherwise confirming the statement to that person by electronic means,

provided that the proposed resolution will not pass as a resolution under the provisions of this rule if any member who would be entitled to vote on a motion for the resolution at a meeting of the parish council notifies the person who provided or sent the statement of their unwillingness for the proposed resolution to pass as a resolution under the provisions of this rule and such notification is given before the proportion of members referred to in paragraph (b) is reached.

(2) Separate copies of a document may be used for the purposes of sub-rule (1) if the wording of the resolution and statement is identical in each copy.

(3) The resolution is passed when the requirements of sub-rule (1) are satisfied.

(4) A resolution passed under this rule 4.11 is to be recorded in the minutes of the next meeting of the parish council.

CHAPTER 5

PROPERTY

Part 1 Churches

5.1 Consecration and licence

- (1) No building intended to be used regularly for the conduct of services of public worship is to be used for that purpose unless the building has been licensed or consecrated as a church.
- (2) Sub-rule (1) does not apply to a building by reason of its use by an associated congregation of a church.
- (3) An application for a licence or sentence of consecration may be made by the minister or the trustee of the building.
- (4) Subject to sub-rule (5), no building is to be licensed or consecrated as a church until –
 - (a) the land on which the building is erected has been vested in the Property Trust or a trustee approved by the Archbishop-in-Council, and
 - (b) the building has been provided with such things as may be requisite according to the law and usage of the Anglican Church of Australia in the Diocese.
- (5) Where a building erected on church trust property in a parish is licensed or consecrated as a church, the Archbishop may license any other building in that parish to be used temporarily or from time to time as a church if requested so to do by the minister and a majority of the members of the parish council of the parish.
- (6) A licence issued under sub-rule (5) (unless revoked under rule 5.8) is to be for the period specified in the licence and any building so licensed is a church of the parish concerned for the purposes of these rules during that period.

5.2 Name of a church

- (1) The name of a church is that specified in the licence or sentence of consecration.
- (2) The name of a church may only be changed by the Archbishop at the request of the minister and wardens, if any.

5.3 Persons permitted to conduct public worship in churches and for associated congregations

No person is permitted to conduct a service of public worship or preach any sermon in any church or for an associated congregation of any church unless –

- (a) in the case of a clergyman other than a deacon, he has been licensed or approved by the Archbishop or an Regional Bishop, or
- (b) in the case of a deacon, he or she has been licensed or approved by the Archbishop or an Regional Bishop, or
- (c) in the case of a layperson, he or she has been authorised so to do pursuant to the Deaconesses, Readers and Other Lay Persons Ordinance 1981.

5.4 Uses of churches

- (1) A church may be used for any one or more of the following purposes –
 - (a) the conduct of a service of public worship,
 - (b) the conduct of any activity of the parish,
 - (c) the conduct of a meeting of a non-Anglican congregation pursuant to rule 5.7,and for no other purpose or purposes.
- (2) A person may not use a church for a purpose permitted under this rule, except with the consent of the minister (if any) for the time being of the church or, in the absence of the minister, with the consent of the Archbishop or the Regional Bishop.
- (3) The Regional Bishop may have occasional use of any church in his Region for any of the purposes listed in sub-rule (1).

5.5 Alterations, Ornaments and Monuments

It is not lawful –

- (a) to alter, add to or take away from the fabric, utensils, ornaments or furniture of a church, or
- (b) to place or remove any monument, memorial or tablet in or on any part of a church or church trust property but the parish council may permit any alteration or addition to be made to an existing monument, memorial or tablet in a burial ground, or
- (c) to erect any wall on church trust property in which to inter the ashes of any deceased person or use any such wall for that purpose,

except with the approval of the Archbishop by a faculty or other form of permit.

5.6 Faculties

(1) Subject to any regulations made under this rule, an application for the Archbishop's approval under rule 5.5 is to be made by the minister and parish council.

(2) The Archbishop-in-Council may from time to time make regulations relating to the practice, procedure, forms and fees to be paid in respect of all matters arising under this rule and rule 5.5.

(3) The Archbishop may, for the purpose of enabling him to deal with an application for his approval under this rule, direct that notices be given, meetings be summoned and other things be done in such manner as he determines.

5.7 Use of churches by non-Anglican congregations

(1) The wardens of a church may only permit a non-Anglican congregation to use the church for the purposes of that congregation if –

- (a) the Archbishop, or a Regional Bishop authorised by the Archbishop, has approved such use and any conditions of that approval have been fulfilled, and
- (b) in relation to non-occasional use, an agreement in the form of the draft agreement referred to in paragraph (c)(ii) of sub-rule (2) has been executed by or on behalf of the non-Anglican congregation. Any such agreement must not authorise the use of the church for a term exceeding 2 years.

(2) The Archbishop, or a Regional Bishop authorised by the Archbishop, may only approve the use of a church by a non-Anglican congregation if –

- (a) the minister and the majority of the parish council consent in writing to that use, and
- (b) the Archbishop, or such Regional Bishop, is satisfied that the profession of faith of the non-Anglican congregation is Bible-based, and
- (c) in relation to non-occasional use, the Regional Archdeacon –
 - (i) has reported to the Archbishop or such Regional Bishop on the basis of faith held by the non-Anglican congregation, and
 - (ii) is in possession of a copy of a draft agreement relating to such use in a form approved by the Property Trust.

(3) An approval under sub-rule (2) must be communicated in writing to –

- (a) the minister and the parish council of the parish in which the church is situated, and
- (b) in relation to non-occasional use, the Property Trust.

(4) An approval under sub-rule (2) may be given subject to such conditions as the Archbishop, or the Regional Bishop, as the case may be, considers appropriate.

(5) The Archbishop-in-Council may, from time to time, make guidelines not inconsistent with these rules relating to the use of a church by a non-Anglican congregation.

5.8 Revocation of licence, etc

(1) If the minister or wardens of a church, or the Regional Archdeacon, consider that the church should be closed, they must –

- (a) discuss the proposal with the parish council of the relevant parish, and

- (b) consult with the minister of the church and/or the Regional Archdeacon and obtain his or their views, and
 - (c) convene a general meeting of parishioners of the church to ascertain the views of parishioners, and
 - (d) if considered appropriate, recommend to the Archbishop that services be discontinued and the church be closed.
- (2) Any recommendation to the Archbishop under this rule should contain –
- (a) the reasons for closure, and
 - (b) an assurance that there is no disagreement over the proposal, or, alternatively, details of any disagreement, and
 - (c) a declaration from the wardens of the other or another church in the relevant parish and the relevant parish council that they will assume responsibility for the payment of rates and other outgoings, and the care of the property, buildings and furnishings, and
 - (d) a report on any funds for which the wardens of the other or principal church and the parish council are to become responsible, and
 - (e) a list of any valuable items and details of where they will be stored, and
 - (f) the arrangements made for the removal of any memorials and for their storage, and
 - (g) an indication of the possible future of the property, and
 - (h) the consent in writing of the minister (if any) of the parish in which the church is situated.
- (3) After receipt of the recommendation, the Archbishop may revoke the licence or sentence of consecration of the church.
- (4) A parish council of a parish may initiate a proposal for the revocation of the licence or sentence of consecration of a church in accordance with the procedure in sub-rule (1).

Part 2 New buildings

5.9 New Sites for Churches

- (1) A person who wants to provide land as the site for a church or a building which includes a church must –
- (a) obtain the approvals of the Archbishop and the Property Trust, and
 - (b) thereafter transfer the land to the Property Trust.
- (2) This rule does not apply to a person who wants to provide land by will.
- (3) In this rule “person” includes a corporation.

5.10 Architectural Panels

- (1) There is to be an architectural panel for each Region of the Diocese.
- (2) The members of the architectural panels are to be appointed by the Archbishop. Each such appointment may be revoked at any time by the Archbishop. A person may be a member of more than one architectural panel at the same time.
- (3) The architectural panels, from time to time, are jointly to prepare, revise and make available guidelines for the requirements to be satisfied in order to obtain an approval under rule 5.11.

5.11 Approval of Plans and Specifications

- (1) A person wishing to erect or alter a building on church trust property intended for use as a church or hall or to erect or effect structural alterations to a house for the use of clergy or a lay minister of the parish must first obtain approval under this rule for the proposed works. If an approval is given subject to conditions, the works may be executed only if the conditions are satisfied.
- (2) An application for approval must –
- (a) be approved by resolution of the parish council of the parish in which the relevant building will be or is situated, and

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- (b) be signed by the minister and a majority of the members of the parish council of that parish, and
- (c) be accompanied with site plans, building plans and specifications in relation to the proposed works, and
- (d) contain information sufficient to satisfy an architectural panel that arrangements will be made for the proper and adequate supervision of the proposed works.

(3) All site plans, building plans and specifications for any such works must be prepared by a suitably qualified person substantially in accordance with the current guidelines for the architectural panels.

Note: *In view of the role of the architectural panel under rule 5.11(5) to recommend that an application be approved, unconditionally or subject to conditions, or be rejected, it is usually highly desirable to consult with the architectural panel about the application at an early state and certainly before the site plans, building plans and specifications are finalised.*

(4) An application for approval may be lodged with the Regional Bishop or the Regional Archdeacon.

(5) A Regional Bishop or Regional Archdeacon who receives an application for approval must refer the application to an architectural panel. The architectural panel must consider the application and recommend to –

- (a) the Archbishop, or
- (b) a Regional Bishop authorised by the Archbishop to give approvals under this rule generally or in any particular case,

that the application be approved, unconditionally or subject to conditions, or be rejected.

(6) On receipt of such recommendation, the Archbishop or Regional Bishop must approve the application, unconditionally or subject to conditions, or reject the application.

(7) No building work may commence in relation to the execution of any works until an approval under this rule has been given to those works.

(8) At any time before an approval is given, the minister may and, if requested in writing by the Archbishop or an architectural panel, must refer the application or any matter relating to the application to the relevant parish council for further consideration and any resolution must be notified in writing to the Archbishop or the architectural panel as soon as reasonably possible after it is made.

Part 3 Burial grounds and columbaria

5.12 Burial grounds

(1) A burial ground is under the charge and administration of the minister and the wardens of the parish in which the burial ground is situated.

(2) Any burial of the dead in a burial ground is to be conducted according to the rites and ceremonies of the Anglican Church of Australia.

5.13 Columbaria

(1) A columbarium erected on land which is church trust property is under the charge and administration of the minister and wardens of the parish in which that land is situated.

(2) A columbarium must not be erected on land which is church trust property unless, the land –

- (a) comprises a separate lot in a registered plan, and
- (b) is a burial ground,

unless an exemption for good reason is granted by the Property Trust.

5.14 Regulations, fees, etc

(1) The trustees of a burial ground may make and from time to time alter rules, regulations and scales of fees –

- (a) for the management of the burial ground and any columbarium on the burial ground, and

- (b) for interments in the burial ground and the placing of any ashes in a columbarium on the burial ground, and
 - (c) for the enclosure of land in the burial ground by kerbing or otherwise, and
 - (d) for any other matters including the application of any such fees.
- (2) The trustees of church trust property, not being a burial ground, upon which is erected a columbarium together may make and from time to time alter rules, regulations and scales of fees –
- (a) for the management of the columbarium, and
 - (b) for the placing of any ashes in the columbarium, and
 - (c) for any other matters including the application of any such fees.

Part 4 Private trustees

5.15 Election or Appointment: Provision of Accounts

(1) Where any real or personal property is held upon trust for a parish by trustees other than the Property Trust or the wardens, those trustees are subject to the same obligations with respect to providing accounts as are prescribed for wardens under rule 9.11.

(2) A person who is proposed or nominated for election or appointment as a trustee of property held upon trust for a parish or church must make the following declaration –

“I am a member of the Anglican Church of Australia.

I am not less than 18 years of age.

Dated this day of 20 .”

(3) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this rule –

- (a) within 7 days before the person's election or appointment, or
- (b) within 7 days after the person's election or appointment.

(4) Any trustee who –

- (a) has been absent from the State for more than 12 successive months or from more than 3 successive meetings of the trustees without the consent of his or her co-trustees or the sanction of the Archbishop, or
- (b) has neglected or refused to execute a declaration of trusts or to act within the trusts or to furnish any account called for under this rule, or
- (c) has become bankrupt or mentally ill, or
- (d) has in the opinion of the Archbishop-in-Council become incapable or unworthy of acting,

may be removed from office by the Archbishop-in-Council.

(5) The names, occupations and residential addresses of all trustees (other than the Property Trust) and a description of the property held by them must be recorded by the Registrar of the Diocese.

CHAPTER 6

ASSOCIATED CONGREGATIONS

Note: An associated congregation is treated as part of the church with which the congregation is associated for the purposes of these rules.

6.1 Notification of associated congregations

(1) Subject to sub-rule (2), the minister and wardens of a church are to notify the Registrar in writing of a group of persons who meet together on a regular basis within the Diocese for services of public worship under the pastoral leadership of the minister if –

- (a) the building in which the group meets is not a church of the parish, and
- (b) a general meeting of parishioners of the church has approved the group being associated with the church.

(2) Before the minister and wardens make a notification pursuant to sub-rule (1) in relation to a group of persons who meet in a building situated outside the parish, the minister and wardens are to consult with the Regional Council and the parish council of the parish in which the building is situated.

(3) A notification made in relation to a group of persons pursuant to sub-rule (1) is to include a brief description of the group and the address of the building in which the group meets.

(4) A notification made in relation to a group of persons pursuant to sub-rule (1) ceases to be in effect if –

- (a) the minister and wardens notify the Registrar in writing that the group has ceased to meet in the manner described in sub-rule (1), or
- (b) the building in which the group meets is licensed or consecrated as a church of the parish, or
- (c) a general meeting of parishioners of the church resolves that the group should no longer be associated with the church.

(5) The minister and wardens of a church are to notify the Registrar in writing as soon as practicable if a general meeting of parishioners of the church passes a resolution referred to in paragraph (c) of sub-rule (4).

6.2 Movement of associated congregations

(1) If an associated congregation moves to a new building, the minister and wardens are to notify the Registrar in writing as soon as practicable of the address of the building.

(2) Before an associated congregation moves to a new building situated outside the parish, the minister and wardens are to consult with the Regional Council and the parish council of the parish in which the building is situated.

6.3 Functions in relation to associated congregations

The minister, wardens and parish council are to exercise, so far as is relevant, their functions in relation to an associated congregation of a church and the building in which the associated congregation meets as if the associated congregation and the building were part of the church.

CHAPTER 7

SAFE MINISTRY

7.1 Interpretation

In this Chapter –

child means a person under the age of 18 years and children has a corresponding meaning.

child abuse means child abuse as defined in *Faithfulness in Service* adopted as the Diocesan Code for personal behaviour and the practice of pastoral ministry by clergy and church workers as amended from time to time by the Synod.

children's ministry position means any paid or unpaid position to which a person is appointed by or on behalf of the minister or the wardens that primarily involves contact with children where that contact is not directly supervised.

Director of Professional Standards means the person appointed as Director under the Discipline Ordinance 2006 or any ordinance replacing that ordinance.

parish office holder means the minister, another member of the clergy, a warden, a parish councillor, a parish representative for a Synod, a parish nominator elected or appointed under the Nomination Ordinance 2006 or a person appointed to a position under rule 3.8, 3.10(1)(b), 3.13, 3.17 or 3.18.

Safe Ministry Board means the Board constituted under the Safe Ministry Board Ordinance 2001.

Safe Ministry Training means training approved by the Safe Ministry Board.

7.2 Training

(1) A person appointed to a children's ministry position must have satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every 3 years thereafter while the appointment continues.

(2) Where a person appointed to a children's ministry position has not, without just cause, satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every three years thereafter while the appointment continues, their appointment is revoked.

7.3 Appointment and term of office of a safe ministry representative

(1) Subject to rule 7.4, the minister must, with the concurrence of the parish council, appoint a person as a safe ministry representative for the parish.

(2) Subject to sub-rule (3) and rule 7.4, the person appointed as a safe ministry representative holds office for a term of 12 months unless at the time of the appointment some other period is specified in writing by the minister.

(3) The minister may, with the concurrence of the parish council and subject to rule 9.3, revoke the appointment of a person as a safe ministry representative as he thinks fit.

Note: *The minister is responsible for promptly reporting to the Registrar the details of a person appointed as a safe ministry representative under rule 3.19(a).*

7.4 Qualification to be a safe ministry representative

(1) A person appointed as a safe ministry representative must –

- (a) be not less than 21 years of age, and
- (b) have satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every 3 years thereafter while the appointment continues, and
- (c) sign the following declaration within 7 days before or after being appointed –

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

(2) The appointment of a person as a safe ministry representative is revoked if the person –

- (a) has not, without just cause, satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment, or

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- (b) fails to make the declaration required by sub-rule (1)(c).
- (3) A person who is or becomes –
 - (a) bankrupt, or
 - (b) mentally ill or otherwise incapable of acting, or
 - (c) a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998,

may not be appointed or continue as a safe ministry representative.

Note: Rule 1.1(5) defines when a person is or becomes bankrupt or mentally ill.

7.5 Functions of a safe ministry representative

A safe ministry representative has the following functions –

- (a) to ensure compliance by the minister or the minister's delegate with the Child Protection (Prohibited Employment) Act 1998 by persons appointed to a children's ministry position within the parish, and
- (b) to maintain records of the date and place of safe ministry training satisfactorily completed by persons appointed to a children's ministry position within the parish, and
- (c) to provide a report, at least annually to the parish council, that includes current policies and practices, and any suggested changes, to ensure the safety of children involved in the activities of the parish and such other matters as may be prescribed by the Safe Ministry Board, and
- (d) to report to the Director of Professional Standards, and in the case of a parish office holder, to the minister and any applicable delegate of the minister, knowledge or reasonable suspicion that a child who attends or has attended any activity of the parish has suffered child abuse or is at the risk of harm of child abuse from a parish office holder.

7.6 Application to Cathedral

Chapter 7 applies to the Cathedral Church of St Andrew as if –

- (a) the Cathedral and the lands and property belonging thereto are a parish, and
- (b) the Dean is the minister, and
- (c) the Cathedral Chapter is the parish council, and
- (d) a person appointed to a position in the Cathedral is a parish office holder, and
- (e) a person appointed to a position in the Cathedral, whether paid or unpaid, that primarily involves contact with children where that contact is not directly supervised is a person appointed to a children's ministry position.

CHAPTER 8

QUESTIONS AND DISPUTES

Note: Disputes between the minister and parishioners may also be dealt with under the Parish Disputes Ordinance 1999.

8.1 Policy concerning disputes

The policy of the Anglican Church of Australia in the Diocese is that any dispute between the minister and any of the members of this Church should be solved in a prayerful and pastoral manner, having regard to the rights and duties of those persons, rather than by legal decision.

8.2 Questions and disputes about meetings, elections and appointments

- (1) If any question or dispute arises as to whether –
- (a) any meeting has been properly called or conducted in accordance with these rules, or
 - (b) any election or appointment of any person or persons to any office established or provided for by these rules has been conducted or made in accordance with these rules,

the question or dispute may be determined by the Archbishop-in-Council or, if the Archbishop-in-Council so decides, by a disputes and conciliation committee.

- (2) If, under this Part, it is determined that the election or appointment of a person to an office has not been validly made, the determination does not of itself have the effect of invalidating the election or appointment of any other person or persons.

8.3 Questions and disputes about vacancies in offices, principal churches, parishioners, associated congregations and use of churches

If any question or dispute arises –

- (a) as to whether any vacancy has arisen in the office of a warden or of a member of a parish council, or
- (b) as to which is for the time being the principal church of any parish, or in a parish where there is no principal church, as to which church is for any of the purposes of these rules deemed for the time being the principal church of such parish, or
- (c) as to whether a person is for the time being –
 - (i) a parishioner of a church, or
 - (ii) a parishioner of a parish, or
- (d) as to whether a group of persons is an associated congregation of a church, or
- (e) as to whether a church of a parish is being used for a permitted purpose,

the question or dispute may be determined by the Archbishop.

8.4 Disputes and conciliation committees

- (1) The Archbishop-in-Council may from time to time establish one or more disputes and conciliation committees.

(2) The members of each disputes and conciliation committee are to consist of at least 3 persons appointed by the Archbishop-in-Council of whom at least one is to be a minister licensed to a parish and at least one is to be a lay person.

(3) A member of a disputes and conciliation committee holds office for such term and in accordance with such conditions as may be specified by the Archbishop-in-Council.

8.5 Procedure in dealing with questions and disputes

(1) The Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may enter into the consideration of any question or dispute, only on the application of some person or persons interested in the dispute.

(2) For the purpose of determining the question or dispute, the Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may give all such notices may make such enquiries and do all such things as appear reasonable and proper in the circumstances.

8.6 Decisions which may be given

(1) If it is determined under rule 8.2 that any meeting has not been effectively or properly called or conducted in accordance with these rules, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may –

- (a) declare that in the circumstances of the case the meeting was called and conducted substantially in accordance with these rules, that no injury has been caused and that no further meeting is required to be called, or
- (b) declare that the meeting was not called and conducted substantially in accordance with these rules, that no injury has been caused and that no further meeting is required to be called, or
- (c) direct that another meeting be called for all or any of the purposes for which the original meeting was or should have been called, as the circumstances of the case may require, specifying the purposes for which the meeting is to be called.

(2) If it is determined under rule 8.2 that the election or appointment of any person has not been conducted or made in accordance with these rules on the ground that the person was not qualified for election or appointment to the office, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, must direct that a new election or appointment must be conducted or made, as the case may be, to replace the person.

(3) If it is determined under rule 8.2 that the election or appointment of any person has not been conducted or made in accordance with these rules on any ground other than that specified in sub-rule (2) the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may either –

- (a) declare that in the circumstances of the case the election or appointment is to stand as if it had been validly and properly conducted or made, or
- (b) direct that the election or appointment is not to stand and that a vacancy be declared as from the date of the direction.

(4) If any meeting has been ineffectively provided for or has not been called within the time and in the manner required by these rules, the Archbishop may call the meeting by such notice and for such time and place as he thinks fit or may by writing appoint some other person to call the meeting and to act as chairman.

(5) If any election or appointment of any person either originally or in case of a vacancy to any office established or provided for by these rules has been ineffectively provided for or has not been made in accordance with the preceding provisions of these rules, the Archbishop may call a meeting in accordance with sub-rule (4) to hold the election or may himself make such appointment by writing provided that any person so to be elected or appointed must be duly qualified for the office under these rules.

(6) All meetings, elections and appointments authorised, held and made under this rule have the same authority, validity and effect and are to be taken to be the same in all respects as if they had been called, held and made respectively in accordance with the other provisions of these rules.

CHAPTER 9
MISCELLANEOUS

9.1 Name of parish

- (1) The name of the parish is that last designated by the Archbishop.
- (2) The name of the parish may only be changed by the Archbishop at the request of the minister and parish council.

9.2 Terms of appointment

A person appointed to any office under rule 3.8, 3.10(1)(b), 3.13, 3.17 or 3.18 is to be taken to have been appointed for a period of 12 months unless, at the time when the appointment is made, some other period is specified in writing by the person or persons making the appointment.

9.3 Removal of employees

The removal of an employee is subject to the applicable laws relating to termination of employment and, where applicable, clause 16 of the Deaconesses, Readers and Other Lay Persons Ordinance 1981.

9.4 Delegation of functions

- (1) The Archbishop may delegate any or all of his functions under the provisions of these rules to a Regional Bishop or Regional Archdeacon.
- (2) Wherever under these rules a matter is committed to the Archbishop, a decision on that matter signed by the Regional Bishop or Regional Archdeacon is to be taken to be the decision of the Archbishop.
- (3) All acts of a Regional Bishop or Regional Archdeacon under delegation from the Archbishop pursuant to these rules, and all acts of the Regional Bishop on the advice of the Regional Council pursuant to these rules must be notified by the relevant Regional Bishop, Regional Archdeacon or Regional Council to the Registrar of the Diocese.

9.5 Exercise of Archbishop's functions by Regional Bishops

- (1) In Chapter 8, the functions conferred on the Archbishop are to be exercised in a Region by the Regional Bishop.
- (2) The minister or parishioners involved in any question or dispute determined pursuant to Chapter 8 by the Regional Bishop may appeal against the determination to the Archbishop.

9.6 Exercise of Archbishop-in-Council's functions by Regional Bishop-in-Council

- (1) In rules 2.5, 2.10 and 3.2 and in Chapter 8, the functions conferred on the Archbishop-in-Council are to be exercised in a Region by the Regional Bishop acting with the concurrence of the Regional Council.
- (2) The minister or parishioners involved in any question or dispute determined pursuant to this rule may appeal against the determination to the Archbishop-in-Council.

9.6A Exercise of Regional Archdeacon's functions by Regional Bishop or his delegate

The Regional Bishop may, in the absence of a person holding the office of Regional Archdeacon, exercise the functions of the Regional Archdeacon under the provisions of these rules and may delegate the exercise of any of these functions to a person holding office as an Assistant to the Regional Bishop.

9.7 If the minister is absent from the parish

- (1) In any case where –
 - (a) a minister is absent from the parish with leave of the Archbishop, or
 - (b) there is no minister, or
 - (c) a minister is not competent and willing to discharge the functions or any of the functions devolving upon him under these rules,

any person appointed by the Archbishop by writing may, to the extent the person is licensed or otherwise authorised, discharge such functions and such discharge has the same validity and effect in all respects as if there had been a minister competent and willing to discharge such functions and he had discharged the same.

Schedule 1: Rules for church based administration

(2) The wardens of the principal or only church of the parish must pay out of moneys under their control the stipend or other moneys payable to any such person appointed with their consent by the Archbishop under this rule.

9.8 Archbishop's right to use buildings

A parochial building, if required by the Archbishop, must be available for the purpose of any meeting which may be called by the Archbishop or a person appointed by him.

9.9 Exercise and enjoyment of rights

Wherever by these rules or another ordinance, rights or powers are conferred upon any minister, wardens or other church officer, such rights and powers are to be taken to be conferred in order that they may be enjoyed and exercised for the benefit of the Anglican Church of Australia in the parish concerned and not otherwise. This rule does not apply to the rights given to a minister under rule 3.20(1).

9.10 Parochial visits and information

(1) A Regional Archdeacon or an area dean may from time to time visit the minister and wardens of a church or parish within his region or area for the purpose of being satisfied that –

- (a) services of public worship are being duly and properly conducted in each church of the parish, and
- (b) any property of a church or parish is being properly maintained and repaired and, where any such property is listed on the State Heritage Register maintained from time to time under the Heritage Act 1977, rules 3.4(1)(k) and 3.11(1)(d) are being complied with, and
- (c) the parish is being otherwise properly administered, and
- (d) records are being maintained in accordance with these rules and the law of the Church.

(2) A Regional Archdeacon or area dean may, with the approval of the Standing Committee, request the minister or wardens of a church within his region or area to furnish him with any return as to any matter, act or thing occurring within the parish and the minister or wardens as the case may be must use their best endeavours to comply with such request.

(3) If –

- (a) the wardens do not comply with 3.11(1)(d), or the parish council of a parish does not comply with rule 3.4(1)(k), and
- (b) the Property Trust or other trustee notifies the Regional Archdeacon of that failure,

the Regional Archdeacon is to take all reasonable steps to obtain such compliance.

9.11 Wardens accountable to Synod

(1) The Synod may call on any wardens to produce a financial statement of their dealings with any church or parish trust property together with all financial records in support of the statement and may submit the statement and records to auditors appointed by the Synod.

(2) If the financial statement and supporting records are not produced within a reasonable time in accordance with sub-rule (1), the Synod may appoint auditors to produce such a statement. For this purpose, the auditors are entitled to have access to all relevant financial records of the church or parish.

(3) The auditor's fees in relation to any work undertaken pursuant to sub-rule (1) or (2) must be paid by the wardens out of church or parish trust property managed by the wardens.

(4) If the Synod is not in session, its functions under this rule will be exercised by the Standing Committee.

Schedule 2

Rules for administering a parish as a whole

Note: Schedule 2 contains the rules for any parish which decides to administer itself as a whole. These parishes do not need to refer to the rules in Schedule 1 which only apply to a parish which continues using its church or churches as the basis for administering itself.

Outline

		Rule
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Chapter 3	Functions of bodies and officers of the parish	
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	<i>Division 4 Property</i>	3.19
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Chapter 4	Convening and conducting meetings	
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Chapter 9	Miscellaneous	9.1–9.11

CHAPTER 1
PRELIMINARY

1.1 Interpretation

(1) In these rules –

non-Anglican congregation means a group of persons who meet together on a regular basis for public worship as Christians other than as part of the Anglican Church of Australia.

annual general meeting of parishioners means a meeting referred to in rule 2.2 and includes any adjournment of such a meeting.

Archbishop means the Archbishop of Sydney for the time being or in his absence his Commissary or if the See is vacant the Administrator of the Diocese.

Archbishop-in-Council means the Archbishop acting with the concurrence of the Standing Committee (except as provided by rule 9.6).

building includes part of a building.

burial ground means land (including church grounds) being church trust property consecrated for or being used as a burial ground,

church, in relation to a building or part of a building, means a building or part of a building of a parish duly consecrated or licensed for the celebration of divine service.

church trust property means all or any part of any real and personal property which may for the time being be subject to any trust for or for the use, benefit or purposes of the Anglican Church of Australia in the Diocese of Sydney.

columbarium means any building, wall or other improvement of any description, or part thereof, in which ashes of a deceased person are placed or stored or are intended to be placed or stored.

communicant member, in relation to the Anglican Church of Australia, includes a person who is a member of the Anglican Church of Australia and who partakes regularly in the Holy Communion or the Lord's Supper.

congregation means, in relation to a parish, a group of persons –

- (a) who meet together on a regular basis in a church of the parish for services of public worship under the pastoral leadership of the minister of the parish, or
- (b) who meet together on a regular basis within the Diocese for services of public worship under the pastoral leadership of the minister of the parish and in relation to whom a notification made pursuant to rule 6.1(1) is in effect.

financial year means a year commencing on 1 January.

general meeting of parishioners means a meeting referred to in rule 2.1 and includes any adjournment of such a meeting.

land includes leasehold as well as freehold and any freehold or leasehold under or subject to legislation relating to strata or community title.

lay minister means a lay person who is employed on a paid basis to assist the minister to undertake pastoral ministry within the parish.

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.

minister means –

- (a) in relation to a provisional parish, the person licensed thereto as curate-in-charge, and
- (b) in relation to any other parish, the person licensed thereto as rector, and
- (c) except in rule 3.19(1), in the absence or incapacity of a person referred to in paragraph (a) or (b) or during any vacancy in office of the curate-in-charge or rector, the person appointed under rule 9.7 for the time being to exercise all or any of the functions of the curate-in-charge or rector, to the extent to which those functions are properly exercisable in accordance with his licence or other authority.

non-occasional use means the use of a church on more than 3 occasions in any 12 month period.

parish means a parish or provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979.

parishioner means, subject to sub-rules (2) and (3) –

- (a) in relation to a parish, a person –
 - (i) who is a member of the Anglican Church of Australia, and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended services of public worship as part of a congregation of the parish, and
- (b) in relation to a congregation of a parish, a person –
 - (i) who is a member of the Anglican Church of Australia, and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended services of public worship as part of the congregation.

qualified person means –

- (a) in relation to an elected or appointed member of a parish council, a person who meets the requirements of rule 2.6, and
- (b) in relation to a warden, a person who meets the requirements of rule 2.11, and
- (c) in relation to an auditor, a person who meets the requirements of rule 2.15.

rule means a rule in this Schedule.

service of public worship means a service of public worship of the Anglican Church of Australia in the Diocese.

(2) A person may not be a parishioner of more than one parish at the same time. If, but for this sub-rule, a person would be a parishioner of more than one parish at the same time, the person must elect as to the parish of which they consider themselves to be a parishioner and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(3) A person may not be a parishioner of more than one congregation of a parish at the same time. If, but for this sub-rule, a person would be a parishioner of more than one congregation at the same time, the person must elect as to the congregation of which they consider themselves to be a parishioner and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(4) In these rules –

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of such duty.

(5) In these rules –

- (a) a reference to a person becoming bankrupt includes a reference to that person applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit, and
- (b) a reference to a person becoming mentally ill includes a reference to that person becoming a temporary patient, a continued treatment patient, or a forensic patient within the meaning of the Mental Health Act 1990 or a protected person within the meaning of the Protected Estates Act 1983,

and a reference to a person who is bankrupt or mentally ill has a corresponding meaning.

1.2 Notes

(1) Notes in these rules are for explanatory purposes only and do not form part of the rules.

(2) The Diocesan Secretary is authorised to update the notes when reprinting these rules under clause 8 of the Interpretation Ordinance 1985.

CHAPTER 2

CONSTITUTION AND APPOINTMENT OF BODIES AND OFFICERS OF THE PARISH

Part 1 General meetings of parishioners

2.1 General meetings of parishioners

A general meeting of parishioners of the parish may be convened at any time to consider any business connected with one or more congregations of the parish.

Note: A general meeting of parishioners is to be convened and conducted in accordance with part 1 of Chapter 4.

2.2 Annual general meetings of parishioners

(1) An annual general meeting of parishioners of the parish is to be convened each year and held on a day which is on or after 1 February and not later than 31 March in that year.

(2) At the request of the minister and wardens of the parish, the Archbishop may for a particular year permit an annual general meeting of parishioners to be convened on a day which is outside the period referred to in sub-rule (1).

Note: The business of an annual general meeting of parishioners of the parish is set out in rule 3.1.

Part 2 Parish council

2.3 Constitution of the parish council

There is to be a parish council for the parish which is, subject to these rules, the governing body for the financial and property affairs of the parish.

2.4 Composition of the parish council

(1) The composition of the parish council is –

- (a) the minister, and
- (b) the wardens, and
- (c) the qualified persons elected and appointed to the parish council at and after the annual general meeting of parishioners in accordance with rule 3.1(m) or (n) and rule 3.15.

However if the annual general meeting of parishioners determines that the parish council is not to include qualified persons elected to the parish council, the composition of the parish council is the minister and the wardens.

(2) If the number of qualified persons elected to the parish council at the annual general meeting of parishioners is less than the number resolved under rule 3.1(m)(i) or (n)(i)(A), the parish council may appoint a qualified person to each unfilled position.

2.5 Modification of composition of parish council

The Archbishop-in-Council may, on the application of the wardens, make any modification to the composition of the parish council in a particular case.

2.6 Qualification to be a parish councillor

(1) A person not less than 18 years of age who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed as a member of a parish council of a parish if the person is a parishioner of a congregation of that parish.

(2) A person who is –

- (a) bankrupt, or
- (b) mentally ill or is otherwise incapable of acting, or
- (c) a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998

may not be elected or appointed as a member of a parish council or a committee established under rule 3.4.

Note: Rule 1.1(5) defines when a person is bankrupt or mentally ill.

(3) A person who holds the office of auditor of the financial statements and accounts of the wardens may not become or remain a member of the parish council.

2.7 Declaration to be made by person nominated or appointed as a parish councillor

(1) A person who is proposed or nominated for election or appointment as a member of a parish council 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.”

either –

- (a) at the general meeting of parishioners at which the person is to be or is elected, or
- (b) within 7 days before or after election or appointment, or
- (c) if the person is temporarily absent from the diocese within 7 days of their return, or
- (d) within such further period as may be approved by the Registrar or the Regional Archdeacon.

(2) The office to which a person was elected or appointed becomes vacant if that person fails to make the declaration required by this rule.

2.8 End of appointment of a member of parish council

(1) The office of a member of a parish council becomes vacant –

- (a) if the member –
 - (i) dies, or
 - (ii) resigns, or
 - (iii) becomes bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting, or
 - (v) becomes a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998, or
 - (vi) is elected or appointed to the office of auditor of the financial statements and accounts of the wardens, or
- (b) in the case of an elected member, on the election or appointment of a successor, or
- (c) in the case of an appointed member, on the appointment, as referred to in rule 3.15(1) of the member's successor, or
- (d) in the case of an elected or appointed member, on the member's appointment as a warden.

Note: Rule 1.1(5) defines when a person becomes bankrupt or mentally ill.

(2) For the purposes of sub-rule (1), a vacancy occurs when the minister receives the resignation or notice of the fact or circumstance that causes the vacancy.

Note: The minister is responsible for reporting to the Registrar any vacancy in the office of a member of the parish council except where the vacancy arises on the election or appointment of a successor (see rule 3.18(b)).

(3) A vacancy in the office of a member of a parish council occurring under paragraph (a) or (d) of sub-rule (1) is to be filled –

- (a) if the member was an elected member, at a meeting of the parish council held within 3 months after the vacancy occurred, or
- (b) if the member was an appointed member, by an appointment by the minister within 2 months after the vacancy occurred.

Part 3 Wardens

2.9 Wardens for the parish

(1) There are to be 3 wardens for the parish who, subject to these rules, administer the financial and property affairs of the parish. The wardens are also the wardens for each church of the parish.

Schedule 2: Rules for parish based administration

(2) Two qualified persons are to be elected as wardens by the annual general meeting of parishioners in accordance with rule 3.1(j). One qualified person is to be appointed as a warden by the minister in accordance with rule 3.14.

2.10 Acts of the wardens

(1) An act done by any 2 wardens is to be taken to be the act of the wardens, provided that all reasonable efforts have been taken first to consult the third warden at the time the act is done.

(2) A warden is disqualified from taking part in any act of the wardens if the warden or a member of the warden's family has a personal financial interest in the act.

Note: See also rule 3.12B concerning decision-making by a warden in relation to a family member who is appointed or proposed to be appointed as a parish worker.

2.11 Qualifications to be a warden

(1) A parishioner of a congregation of the parish who is not less than 18 years of age and who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed as a warden, except as provided by this rule.

(2) The spouse of a person in Holy Orders licensed to the parish is not qualified to be elected or appointed as a warden.

(3) At any one time, a husband and wife may not both be wardens.

(4) A person who is engaged as an employee and who is paid from the funds of the parish may not be appointed or elected as a warden.

(5) A person who is bankrupt or a person who is mentally ill or otherwise incapable of acting may not be appointed or elected as a warden.

Note: Rule 1.1(5) defines when a person is bankrupt or mentally ill.

(6) A person who is a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998 may not be appointed or elected as a warden.

2.12 Election and appointment of wardens

(1) Two qualified persons are to be elected as wardens in accordance with rule 3.1(j) or this rule and one is to be appointed by the minister in accordance with rule 3.14 or this rule.

(2) If the annual general meeting of parishioners or any other general meeting of parishioners fails to elect the requisite number of qualified persons to be wardens, the parish council may appoint any qualified parishioner or parishioners of a congregation of the parish to fill the remaining vacancy or vacancies.

(3) If the minister fails to nominate a warden prior to the election required by rule 3.1(j), he may do so at any time after the relevant meeting but must endeavour to do so as soon as possible.

(4) A person who is proposed or nominated for election or appointment as a 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."

(5) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this rule –

- (a) on or before the person's election or appointment, or
- (b) within 7 days after the person's election or appointment, or
- (c) if the person is temporarily absent from the Diocese, within 7 days of their return, or
- (d) within such further period as may be approved by the Registrar or the Regional Archdeacon.

2.13 End of appointment of warden

- (1) The office of a warden becomes vacant –
- (a) if the warden –
 - (i) dies, or
 - (ii) resigns, or
 - (iii) becomes bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting, or
 - (v) becomes engaged as an employee who is paid from the funds of the parish or becomes the spouse of such a person, or
 - (vi) becomes a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998, or
 - (b) in the case of an elected warden –
 - (i) on appointment as a warden by the minister, or
 - (ii) on the election of a successor, or
 - (c) in the case of an appointed warden –
 - (i) on the appointment, as referred to in rule 3.14, of the warden's successor, or
 - (ii) on election as a warden.

Note: Rule 1.1(5) defines when a person becomes bankrupt or mentally ill.

(2) For the purposes of sub-rule (1), a vacancy occurs when the minister receives the resignation or notice of the fact or circumstance that causes the vacancy.

Note: The minister is responsible for reporting to the Registrar any vacancy in the office of a warden except where the vacancy arises on the election or appointment of a successor (see rule 3.18(b)).

(3) A person who ceases to hold office as a warden pursuant to paragraph (b) or (c) of sub-rule (1) is not prevented from exercising any function which, under these rules or other lawful authority, the person may be entitled or required to exercise after the time at which the person ceased to hold that office.

(4) A vacancy in the office of warden occurring under paragraph (a), (b)(i) or (c)(ii) of sub-rule (1) must be filled –

- (a) if the warden was an elected warden, at a general meeting of parishioners convened by the minister and wardens and held within 3 months after the vacancy occurred, or
- (b) if the warden was an appointed warden, by an appointment by the minister.

(5) The wardens continue to hold office despite the last congregation of the parish ceasing to exist due to either –

- (a) the destruction or delicensing of a church of the parish, or
- (b) a notification being made under rule 6.1(4),

but those wardens cease to hold office 7 days after the Archbishop signs a notice to the Registrar and to those wardens that they are to cease to hold office.

2.14 Delivery of keys and papers etc to successors

(1) At or within 7 days after the persons elected or appointed as wardens cease to hold office, such persons must deliver to their successors all keys, church papers, financial records, invoices for payment and the balance of funds shown by the financial records for which they are responsible.

(2) On a casual vacancy arising in the office of a warden, all keys, parish papers, financial records, invoices for payment and funds of the parish in the hands of the person who has vacated office –

- (a) must be delivered to the remaining warden or wardens by that person within 7 days after the vacancy occurs, or
- (b) if personal delivery is impossible, must be recovered by the remaining wardens as soon as possible and shall be taken to have been delivered.

(3) Delivery of the keys, documents and funds referred to in sub-rules (1) and (2) constitute a constructive delivery of any interests at law in all the furniture and fittings of the properties of the parish.

Part 4 Auditor

2.15 Auditor of the financial statements and records of the wardens

(1) There is to be an auditor for the parish elected under rule 3.1(k) to audit the financial statements and accounts of the wardens of the parish.

(2) Subject to sub-rule (3), a person is qualified to be elected or appointed to audit the financial statements and accounts of the wardens if that person is not less than 21 years of age.

(3) A person is not qualified to be elected or appointed as an auditor if –

(a) the person is a warden of that parish, or

(b) the person was a warden of that parish at any time during the financial year or other period to which those financial statements and accounts relate.

(4) A person who has been elected or appointed as an auditor ceases to hold that office upon that person being elected or appointed as a warden of that parish.

CHAPTER 3

FUNCTIONS OF BODIES AND OFFICERS OF THE PARISH

Part 1 Annual general meeting of parishioners

3.1 Business of the annual general meeting of parishioners

Note: *Except for any vote taken under rule 3.1(n)(ii), all business of an annual general meeting of parishioners is to be transacted by resolution of a majority of persons present at and entitled to take part in the annual general meeting.*

The business of the annual general meeting of parishioners of a parish is –

- (a) to receive the declarations of those persons then present (rule 4.2(1) and (2)), and
- (b) to determine whether a quorum is present (rule 4.3(1)), and
- (c) to elect a minute secretary, and
- (d) to receive apologies, and
- (e) to give directions as to the confirmation of the minutes of the meeting at or after its conclusion, and
- (f) to receive reports about ministry within the parish from –
 - (i) the minister, and
 - (ii) with the minister's consent, a superintendent, teacher, leader or other officer appointed under rule 3.17(1), and
- (g) to receive and pass or otherwise determine on the financial statements of the wardens (rule 3.8(4)) and to receive any report from the wardens about the exercise of their other functions, and
- (h) to receive and pass or otherwise determine on any separate financial statements of any organisation of the parish (rule 3.9(3)), and
- (i) to receive notification of the name of the person appointed by the minister as a warden (rule 3.14), and
- (j) to elect 2 qualified persons to be wardens, and
- (k) to elect a qualified person or persons to the office of auditor of the financial statements and accounts of the wardens, and
- (l) to determine –
 - (i) whether or not qualified persons should be elected and appointed as members the parish council, and
 - (ii) whether or not the parish council should include a qualified person elected by the members of each congregation voting separately from the members of the other congregations, and
- (m) if paragraph (l)(i) is answered in the affirmative but paragraph (l)(ii) is answered in the negative, the annual general meeting of parishioners –
 - (i) is to resolve that there be 3, 6 or 9 elected persons, and
 - (ii) is to elect qualified persons to be those members, and
- (n) if both paragraphs (l)(i) and (l)(ii) are answered in the affirmative –
 - (i) the annual general meeting of parishioners –
 - (A) is to resolve there are to be 0, 1, 2 or 3 elected persons, and
 - (B) is to elect qualified persons to be those members, and
 - (ii) the members of each congregation at the annual general meeting of parishioners voting separately from the members of the other congregations are to elect 1 qualified person to be a member of the parish council, and
- (o) to elect parish nominators if entitled to do so under the Nomination Ordinance 2006 or to postpone the election until an adjourned or subsequent general meeting of parishioners in accordance with that Ordinance, and
- (p) to elect a representative or representatives if entitled to do so under the Synod Membership Ordinance 1995 or to postpone the election until an adjourned or subsequent general meeting of parishioners, and

- (q) to make such recommendations as it may wish on any matter connected with the business of one or more congregations of the parish, including any matter which it is appropriate for the wardens or parish council to deal with, and
- (r) to exercise any other function which may be authorised by any ordinance.

Part 2 Parish council

3.2 General right and power

(1) In the control of the funds and property of the parish, the parish council has the right and power –

- (a) to determine matters of policy, and
- (b) to approve budgets (including the annual budget prepared by the wardens for submission to the annual general meeting of parishioners), and
- (c) to authorise payments.

(2) The parish council is to exercise this right and power in a manner which does not prevent the proper exercise of any function under these rules in respect of the funds and property of the parish.

3.3 Functions of the parish council

The functions of the parish council (without imposing on its members any legal liability) are –

- (a) to fix the stipend, allowances and benefits of the minister, and
- (b) with the consent of the minister, to fix the stipend or salary and the allowances and benefits of any assistant minister, lay minister, student minister or other lay worker, and

Note: *Each year the Standing Committee issues Guidelines for the Remuneration of Parish Ministry Staff.*

- (c) to confer with the minister in the initiation, conduct and development of parish work including such matters as are vital to the spiritual welfare of the parish and to make recommendations to the minister on ministry within the parish, and
- (d) to consider (on its own motion or on reference by a general meeting of parishioners, the minister or the Archbishop or in accordance with the provisions of any Act or Ordinance) any measure or project affecting or likely to affect the interest of the parish generally and to take proper action thereon in accordance with the functions conferred on it by these rules or any Ordinance or Act, and
- (e) to cause minutes to be kept of its proceedings, and
- (f) to direct the expenditure or investment policy of any surplus funds including the allocation of general funds of the parish (not being the subject of any trust) for the general or any specific work of the Anglican Church of Australia in the Diocese of Sydney, and
- (g) to appoint a qualified person or persons to fill any vacancy in the office of auditor of the financial statements and accounts of the wardens of the parish, and
- (h) to fill any casual vacancy which occurs among its elected members in accordance with rule 2.8(3)(a), and
- (i) to make donations for patriotic or charitable purposes or for the purposes of a Christian missionary society, whether local or foreign, Anglican or non-Anglican, and
- (j) to do all things as it can reasonably do (including providing funds) to enable any wardens of the parish to comply with rule 3.10(1)(d).

Notes:

- (1) *See rule 6.3 which deals with the functions of the parish council in relation to a congregations which meets in a building which is not a church.*
- (2) *See rule 7.3 which provides for the parish council's role in the appointment of the safe ministry representative for the parish.*

3.4 Committees of a parish council

- (1) A parish council may, by resolution –
- (a) establish a committee, and
 - (b) delegate to that committee all or any of the parish council's functions, rights and powers under rule 3.2 and paragraphs (b), (c), (d), (f), (g) and (i) of rule 3.3.

Note: *The parish council remains responsible for the exercise of any functions delegated to a committee.*

- (2) The parish council may, by resolution, abolish a committee or revoke the delegation made to any committee under sub-rule (1), or both.

- (3) A committee established by the parish council under sub-rule (1) may comprise or include persons who are not members of the parish council.

Note: *A person may not be elected or appointed to a committee of a parish council if the person is a prohibited person (see rule 2.6(2)).*

- (4) The parish council is, from time to time, to determine –
- (a) the membership of a committee established under sub-rule (1), and
 - (b) the quorum for meetings of that committee.

3.5 Secretary

A parish council may appoint one of its members to be its secretary for the time being and may remove any such person from the office.

Note: *The chairman of the parish council is usually the minister (see rule 4.10).*

Part 3 Wardens

Division 1 Financial

3.6 Main financial functions

- (1) The main financial functions of the wardens are –
- (a) to ensure the proper management, security and financial administration of all money and other property of the parish (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held), and
 - (b) to ensure proper procedures are followed for the collection, counting, recording in the register of services and banking of all offertory and collection money in connection with services for each congregation of the parish, and
 - (c) to keep proper accounting records of all money received and expended by them, and
 - (d) to pay or provide to the persons entitled to receive them all such stipends, salaries, allowances and benefits as are authorised by the parish council to be paid or provided in accordance with the powers conferred by this or any other ordinance, and
 - (e) to insure, to the extent required by law, the persons referred to in paragraph (d) for any purpose but only to the extent that such insurance has not been taken out by the Property Trust.

Note: *See rule 6.3 which deals with the exercise of the wardens functions in relation to a congregation which meets in a building which is not a church.*

- (2) The functions of the wardens under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.2.

- (3) The wardens may arrange for a person or persons to perform any one or both of the functions referred to in paragraphs (b) and (c) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or the delegations of the wardens under rules 3.7 and 3.12 nor does it have the effect of removing the wardens' responsibility for the functions under sub-rule (1).

Schedule 2: Rules for parish based administration

Note: For the purposes of discharging the functions in rule 3.6, the Standing Committee issues Parish Accounting and Administration Guidelines from time to time.

3.7 Treasurer, accountant or bookkeeper

(1) The wardens may appoint one of themselves to act as treasurer or may, with the concurrence of the minister, appoint one or more other persons to act as treasurer, assistant treasurer, accountant or bookkeeper to assist them in their functions and, subject to rule 9.3, may remove any such person from office.

(2) Nothing in this rule has the effect of removing from the wardens or any of them, their responsibility in relation to any funds or property of a church or parish.

3.8 Preparation of financial statements and accounts before annual general meeting of parishioners

(1) Before the annual general meeting of parishioners, the wardens are to prepare financial statements and accounts comprising –

- (a) a statement of the receipts and payments of the parish during the previous financial year, and
- (b) a statement of the assets and liabilities of the parish at the close of the financial year, and
- (c) a statement in such form as is from time to time prescribed by resolution of Standing Committee setting out full particulars of all current insurances effected by them as required by rule 3.6(1)(e), and
- (d) a budget for the then current financial year,

and all such statements and accounts must be in the form last prescribed by the Standing Committee, by resolution.

Note: Under rule 3.2(1)(b) the parish council may approve the budget prepared by the wardens before it is submitted to the annual general meeting of parishioners.

(2) Before the annual general meeting of parishioners, the wardens are to call on the auditor or auditors duly appointed under these rules to report on the financial statements prepared pursuant to paragraphs (a) to (c) of sub-rule (1) and on the accounting records kept by them and to state, in that report –

- (a) whether the financial statements, in the opinion of the auditor or auditors, are properly drawn up so as to give a true and fair view of the receipts and payments, assets and liabilities of the parish, and
- (b) whether the financial statements, in the opinion of the auditor or auditors, comply with the provisions of these rules, and
- (c) where not so satisfied, the reasons for not being so satisfied.

(3) At least 7 days before the annual general meeting of parishioners, the wardens are to make copies of those financial statements and reports available for inspection or distribution (or both) at or near each main entrance to the place where each congregation of the parish meets, in such quantities and manner as the minister and wardens may reasonably determine, and to cause an announcement to be made at each service to the effect that those financial statements and reports are so available.

(4) The wardens are to produce those financial statements and reports at the annual general meeting of parishioners.

(5) At or within 7 days after the annual general meeting of parishioners, the wardens are to forward copies of the financial statements referred to in paragraphs (a) to (c) of sub-rule (1) to the Diocesan Secretary, and to comply with rules 2.14(1) to (3) concerning the delivery of keys, documents and funds etc.

3.9 Financial affairs of parish organisations

(1) The wardens are responsible for keeping proper financial records of any organisation of the parish established under rule 3.17 and for those purposes –

- (a) may keep separate financial records for the organisation or may incorporate the financial records of the organisation as part of the financial statements of the parish under rule 3.8, and

- (b) may appoint and remove a person to act as treasurer of the organisation.
- (2) If the financial statements of the organisation are not incorporated as part of the financial statements of the parish, before the annual general meeting of parishioners the wardens are –
- (a) to prepare financial statements comprising –
 - (i) a statement of the receipts and payments of the organisation during the previous financial year, and
 - (ii) a statement of the assets and liabilities of the organisation at the close of the financial year, andin the form last prescribed by the Standing Committee, and
 - (b) to present the financial statements for audit to the auditor appointed by the annual general meeting of parishioners.
- (3) The wardens are to produce the duly audited financial statements prepared under sub-rule (2) to the annual general meeting of parishioners and, at or within 7 days after the annual general meeting of parishioners, are to forward copies of these financial statements to the Diocesan Secretary.
- (4) If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the parish, and its books and records (other than any financial records which must be given to the wardens) must be given to and remain in the custody of the minister.

Division 2 Property

3.10 Main property functions

- (1) The main property functions of the wardens are –
- (a) to keep order in each church and its grounds for which they are responsible, and
 - (b) to ensure proper care is taken of the church and other things relating to the conduct of services of public worship and to ensure that those things are available whenever needed for such purposes, and
 - (c) to ensure proper repair and maintenance is undertaken of all buildings (including church, hall and rectory), and their fixtures, furniture and contents which are the property of the parish, and
 - (d) if any property of the parish is listed on the State Heritage Register maintained from time to time under the Heritage Act 1977 (the “Act”) –
 - (i) to ensure the repair and maintenance of the property is in accordance with the minimum standards (if any) prescribed from time to time by the Act or any regulations made under the Act, and
 - (ii) where the Property Trust or other trustee is the owner of that property for the purposes of the Act, to provide within 28 days of receipt of a written request, such information as the Property Trust or other trustee reasonably requires about compliance with the requirements of subparagraph (i), and
 - (e) to provide the minister with sufficient means for the safe custody of the registers and records of the congregations of the parish.

Note: See rule 6.3 which deals with the exercise of the wardens functions in relation to a congregation which meets in a building which is not a church.

(2) The functions of the wardens under sub-rule (1) are to be exercised subject to the powers of the annual general meeting of parishioners set out in rule 3.1 and the rights and powers of the parish council set out in rule 3.2.

(3) The wardens may arrange for a person or persons to perform either or both of the functions referred to in paragraphs (a) and (b) of sub-rule (1) from time to time on behalf of the wardens. An arrangement made under this sub-rule does not limit the powers or delegations of the wardens under rules 3.7 and 3.12 nor does it have the effect of removing the wardens' responsibility for the functions under sub-rule (1).

Note: Contracts for the purchase of land in the name of the Property Trust, or for the improvement or maintenance of property held by the Property Trust must generally be signed by the Property Trust. However, in view of the wardens' responsibility under rule

Schedule 2: Rules for parish based administration

3.10(1)(c) to ensure the proper repair and maintenance of all buildings on such property, the Property Trust has resolved that wardens can sign building contracts up to \$20,000 for works in the nature of repairs or renovations.

3.11 Granting of licences by wardens

Subject to rules 3.19 and 5.3 to 5.6, the wardens may grant a licence to permit a person or organisation ("licensee") to use real property of the parish for purposes not connected with the parish if –

- (a) the use of the property by the licensee is not –
 - (i) prohibited by law or by the trusts on which the property is held, or
 - (ii) for the purposes of a pre-school, kindergarten, child care centre, long-day care centre or like service, and
- (b) the terms upon which the licensee is to be permitted to use the property are documented in a form last approved by the Property Trust, and
- (c) the period during which the licensee is permitted to use the property does not exceed 5 years, and
- (d) the amount payable by or on behalf of the licensee for the licence is not more than \$50,000 per annum (including GST), or such other amount as may be determined by the Standing Committee by resolution from time to time, and
- (e) the granting of the licence has been approved in writing by the Regional Archdeacon and the majority of the parish council of the parish.

Division 3 Appointment of paid workers

3.12 Appointment of administrators, cleaners, gardeners, etc

The wardens may, with the concurrence of the minister, appoint an administrator, cleaner, gardener or other paid worker to perform duties in the parish, and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

3.12A Appointment of lay ministers and student ministers

The wardens may, with the concurrence of the minister, appoint a lay minister or a student minister and may, with the concurrence of the minister and subject to rule 9.3, remove any such person from the position at any time.

Note: *The minister is responsible for the spiritual welfare of the parish (see Part 4 Division 1). Accordingly any employment relationship established under rule 3.12A between the wardens and a person appointed to assist the minister in this responsibility is for administrative purposes only. The minister retains control of the duties performed by such a person.*

3.12B Decision-making concerning family members

A warden who is a family member of a person appointed or proposed to be appointed under rule 3.12 or 3.12A is not to take part in any decision concerning the appointment or removal of such person and is not to participate in any performance review of such person.

Division 4 Reporting

3.13 Reporting to Archbishop

The wardens are to report to the Archbishop any grave irregularities in the conduct of services of public worship and any wilful neglect of duty or any flagrant misconduct on the part of the minister.

Division 5 Investment

Note: *Under clause 5 of the Investment of Church Trust Property Ordinance 1990, a person who or an organisation which holds church trust property may invest such property only in any one or more of the following investments –*

- (a) *deposit with the Glebe Administration Board or any authorised deposit-taking institution,*
- (b) *any public funds or Government Stock or Government Securities of the Commonwealth of Australia or any State thereof,*

- (c) *any debentures or securities guaranteed by the Government of the Commonwealth of Australia or any State thereof,*
- (d) *deposit with any dealer in the short term money market being a dealer which has been approved by the Reserve Bank of Australia as an authorised dealer and has established lines of credit with that bank as a lender of last resort,*
- (e) *the acquisition of any bill of exchange which –*
 - (i) *at the time of acquisition has a maturity date of not more than 200 days, and*
 - (ii) *if purchased for value confers on the holder a right of recourse against a bank as the acceptor or endorser of the bill for an amount equal to the face value of the bill,*
- (f) *certificates of deposit issued by an authorised deposit-taking institution,*
- (g) *units in any managed investment scheme –*
 - (i) *which is registered under the Corporations Act 2001, and*
 - (ii) *for which there is a disclosure document lodged with the Australian Securities and Investments Commission under the Corporations Act 2001, and*
 - (iii) *for which the responsible entity is an authorised deposit-taking institution or a related body corporate of an authorised deposit-taking institution,*

except where the scheme conducts as its main business or one of its main businesses a business which the Synod or the Standing Committee has by resolution declared to be a disapproved business or the scheme mainly invests in the securities of a corporation or scheme which conducts such a business as its main business or one of its main businesses.

For the purpose of paragraph (g), the Standing Committee has declared the following businesses to be disapproved businesses –

- (i) *the manufacture, promotion, distribution or sale of armaments,*
- (ii) *a business which is illegal or immoral,*
- (iii) *the manufacture, promotion, distribution, or sale of tobacco,*
- (iv) *the business of gambling or betting or directly connected therewith,*
- (v) *the manufacture, promotion, distribution or sale of liquor, and*
- (vi) *production, sale or distribution of 'X' or 'R' rated video or digital images, videos or films.*

Part 4 Minister

Division 1 Spiritual welfare

Note: *The minister has general responsibility for the spiritual welfare of the parish and for this purpose has powers, rights and duties in accordance with his licence and authority from the Archbishop.*

Division 2 Appointment of officers

3.14 Warden

- (1) The minister must normally appoint one qualified person to be a warden within 7 days before the election of wardens at an annual general meeting of parishioners.
- (2) If the minister does not make the appointment before the election of wardens at the annual general meeting of parishioners, the minister must comply with rule 2.13(3).

3.15 Parish councillors

- (1) The minister may, at an annual general meeting of parishioners or within 28 days after the meeting, appoint one qualified person to be a member of the parish council for each 3 persons determined by the annual general meeting of parishioners to be elected as members of the parish council.
- (2) The right to make an appointment under sub-rule (1) lapses if it has not been exercised within 28 days after the annual general meeting of parishioners.

3.16 Organist, musician, choirmaster and choir

The minister may appoint an organist, musician, music director, choirmaster, the members of a choir of a congregation of the parish and, subject to rule 9.3, may remove any such person from office.

3.17 Parish organisations

(1) The minister may establish any Sunday school, Bible class, home group, study group, youth fellowship or other organisation of the parish or any church of the parish to further the work of the parish or church.

(2) Subject to the powers of the Archbishop, the minister has control of the policy, organisation and affairs of any organisation established under sub-rule (1) and for those purposes may appoint and, subject to rule 9.3, remove such superintendents, teachers, leaders or other officers (excluding any treasurer appointed under paragraph (b) of rule 3.9(1)) as he thinks fit.

(3) The minister may delegate all or any of the powers conferred by sub-rule (2).

(4) Every person appointed to any office under this rule must perform the duties of the office in accordance with these rules.

3.17A Safe ministry representatives

The minister must appoint and may revoke the appointment of a person as a safe ministry representative under rule 7.3.

Division 3 Reporting

3.18 Reporting to Registrar

The minister must cause to be promptly reported to the Registrar of the Diocese –

- (a) the names, addresses and acceptances of all persons elected or appointed to the office of trustee, warden, member of the parish council or safe ministry representative, and
- (b) a vacancy arising in any of those offices except where the vacancy arises on the election or appointment of a successor.

Note: *The minister is also responsible for –*

- (a) *sending to the Registrar a certified list of the persons (including full names, addresses and occupations) elected or appointed as parish nominators (see clause 38 Nomination Ordinance 2006), and*
- (b) *giving the Registrar a written notice specifying the name, address and date of election of persons elected as parochial representatives for the forthcoming Synod (see clause 17 Synod Membership Ordinance 1995).*

Division 4 Property

3.19 Minister's rights to access and use church or parish property

(1) The minister is entitled to free use of the rectory, its garden and outbuildings. Any dispute about such use may be resolved by the Archbishop.

(2) The minister is entitled to access into the church at all times and may, in the church, conduct a service of public worship without hindrance from any person.

(3) The minister is entitled to free use of any hall for such parochial purposes as he determines, subject to –

- (a) the trusts on which the property is held, and
- (b) any legally binding arrangements made by the trustee of the same with the approval of the parish council.

(4) The minister is entitled to have keys to the buildings to which this rule applies.

(5) A church of the parish must not be used for any purpose not sanctioned by the minister. The rectory must not be used for any purpose not sanctioned by the minister. A church hall must not be used for any purpose not sanctioned by the minister and wardens acting together. In any decision about the use of a church hall the minister has a deliberative vote only.

Division 5 Registers and records

3.20 Minister's responsibilities for records

(1) The minister must cause a register or registers to be maintained for the congregations of the parish in which –

- (a) he will record or cause to be recorded the following details of each service of public worship conducted in the parish –
 - (i) the time, date and place of the service, and
 - (ii) the number of persons attending the service, and
 - (iii) the name of the person, if any, preaching at the service, and
- (b) he will record or cause to be recorded the following details of each baptism service conducted in the parish –
 - (i) the date and place on which the baptism service took place, and
 - (ii) the full name and address of the person baptised, and
 - (iii) the date of birth of the person baptised, and
 - (iv) if the person baptised was an infant, the full name and address of each parent of the person, and
 - (v) the name of the officiating minister, and
- (c) he will record or cause to be recorded the following details of each confirmation service conducted in the parish –
 - (i) the date and place on which the confirmation service took place, and
 - (ii) the full name of each person confirmed, and
 - (iii) the date each person was baptised, and
 - (iv) the name of the officiating bishop, and
- (d) he will retain or cause to be retained a certificate of marriage in respect of each marriage conducted in the parish, and
- (e) he will record or cause to be recorded the following details of each funeral service conducted in or in association with the parish –
 - (i) the date and place of the funeral service, and
 - (ii) the name and address of the deceased, and
 - (iii) the deceased's date of death, and
 - (iv) the name of the officiating minister.

(2) The minister is responsible for the safe custody of all congregation registers and records, other than current books of account.

(3) The registers must be kept within the parish office or in such other place as the Archbishop may from time to time appoint in writing.

(4) The minister must make the registers available on request for inspection by the Archbishop, the Regional Bishop, the Regional Archdeacon or another person appointed by the Archbishop in writing for that purpose and must make a search of the register and furnish an extract if requested by the Archbishop, the Regional Bishop, the Regional Archdeacon or such other person appointed by the Archbishop. The minister may on the application of any other person and on the payment of a reasonable fee make a search and furnish an extract from the register.

(5) If there is no minister, the minister's functions under this rule attach to the wardens.

Note: *In view of privacy legislation (and in accordance with archival practice), ministers should consider limiting the provision of an extract from a register under rule 3.20(4) involving a baptism, confirmation or marriage which took place in the last 70 years to the person(s) about whom the information relates. There is generally no such restriction on the release of information about funerals since privacy considerations do not directly apply to deceased persons.*

CHAPTER 4

CONVENING AND CONDUCTING MEETINGS

Part 1 General meetings of parishioners

4.1 Convening a general meeting of parishioners

- (1) A general meeting of parishioners may be convened by the minister and wardens.
- (2) The Archbishop may direct the minister and wardens to convene a general meeting of parishioners.
- (3) A general meeting of parishioners is convened –
 - (a) by announcement at not less than 2 services of public worship for each congregation of the parish before the day of the meeting, and
 - (b) if there is a weekly parish bulletin, by notice published in such bulletin, of the date, time and place of the meeting and, in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting.
- (4) If services of public worship for a congregation are celebrated less frequently than once each week, the announcement may be made at only one such service for that congregation at least 7 days before the general meeting of parishioners.
- (5) The minister may give notice of a general meeting of parishioners by such means and at such times as he thinks fit in addition to the notice required to be given under this rule.

4.2 Participation in a general meeting of parishioners

- (1) A person (other than the minister) is not entitled to take part in or to be counted for the purposes of a quorum at a general meeting of parishioners unless the person has first subscribed the following declaration –

“I am a member of the Anglican Church of Australia.

I have been baptised.

I am not less than 18 years of age.

I have usually during 3 months within the past 12 months attended services of public worship as part of the [name or description of congregation] of the parish.

I do not claim to be a parishioner of any other congregation or a parishioner of any other church or parish of the Anglican Church of Australia.

Dated this day of 20 .”

- (2) In the case of an annual general meeting of parishioners, the following additional subscription is to be added to the declaration in sub-rule (1) –

“I have not voted at a general meeting of parishioners of any other church or parish of the Anglican Church of Australia within the past 3 months and I do not intend to vote at a general meeting of parishioners of any other church or parish of the Anglican Church of Australia within the next 3 months.”

- (3) The election of a person to any office is not invalidated by reason only of the omission of any person to make the declaration required by this rule.
- (4) It is competent for a general meeting of parishioners to invite any person to be present at the meeting and to speak.

4.3 Requirements for a quorum

- (1) Seven persons who have signed the declaration in rule 4.2, or the minister and 6 such persons, constitute a quorum at a general meeting of parishioners.
- (2) If no quorum is present within half an hour after the time appointed for the meeting, the meeting stands adjourned for 7 days, the time and place for the adjourned meeting being the same as those appointed for the first meeting.
- (3) If a quorum is not present within half an hour of the time appointed for the adjourned meeting, the meeting is dissolved and the Archbishop or a person or persons appointed by him –

- (a) may deal as he or they think fit with any or all of the business that could have been dealt with at that meeting had a quorum been present, and
- (b) may fix a date by which the minister may make such appointments as he would have been entitled to make under rules 3.14 and 3.15 at or within 28 days after the time appointed for the adjourned meeting.

4.4 Chairman

- (1) The minister, if present, is the chairman of a general meeting of parishioners.
- (2) If at any time the minister is not present and no appointment has been made under rule 9.7, the meeting, before proceeding to or with any business, must elect a chairman to preside during the absence of the minister.
- (3) The chairman has a casting vote only.
- (4) Nothing in this rule prevents the minister, if present at a general meeting of parishioners, from authorising a person entitled to take part in the meeting or the Regional Bishop or Regional Archdeacon to be chairman.
- (5) The minister may revoke his authorisation under sub-rule (4) at any time.
- (6) The Archbishop may direct the minister and wardens to convene a general meeting of parishioners to consider any recommendation of the Advisory Panel established by the Parish Disputes Ordinance 1999 and the Regional Bishop or other person directed by the Archbishop will chair this general meeting of parishioners.

4.5 Preparations for an annual general meeting of parishioners

Before the annual general meeting of parishioners, the wardens must have complied with –

- (a) rules 3.8(1) and 3.9(2)(a) – as to the preparations of financial statements and accounts, and
- (b) rules 3.8(2) and 3.9(2)(b) – as to the auditing of the statements and accounts, and
- (c) rules 3.8(3) and 3.9(3) – as to the making available to parishioners of the financial statements and auditor's report.

4.6 Nominations and elections

- (1) A person may not be nominated unless he or she has consented verbally or in writing to the nominator or another person at the meeting. A person nominated need not be present at the meeting. A person making a nomination must be present at the meeting.
- (2) If the number of nominated candidates for election to an office does not exceed the number of vacancies to be filled, the election is uncontested and the following rules apply –
 - (a) The chairman is to move a motion that the candidates be elected.
 - (b) If the motion is carried, the chairman is to declare the candidates elected.
 - (c) If the motion is not carried, the chairman shall call again for nominations.
- (3) If the number of candidates nominated for election to an office exceeds the number of vacancies to be filled, the election is contested and the following rules apply –
 - (a) Voting is to be conducted by secret ballot.
 - (b) Each person entitled to take part in the meeting must not vote for more than the number of candidates to be elected.
 - (c) The candidate who obtains, or the candidates who obtain, the higher or highest number of votes is elected.
 - (d) If, in respect of the last vacancy to be filled, 2 or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chairman.
- (4) In conducting any secret ballot –
 - (a) proxies and preferential voting are not permitted, and
 - (b) where possible, there are to be at least 2 scrutineers, being persons not standing for election.

4.7 Adjournment of general meetings of parishioners

- (1) If a quorum is present at a general meeting of parishioners, the meeting may from time to time be adjourned to such time and place as the meeting may determine.
- (2) Where a general meeting of parishioners is adjourned to a day after the next succeeding Sunday, notice of the adjourned meeting must be given by announcement at the service of public worship for each congregation held prior to the adjourned meeting.
- (3) The minister may give notice of an adjourned general meeting of parishioners by such means and at such times as he thinks fit in addition to the notice required to be given under this rule.

Part 2 Parish council meetings

4.8 Convening meetings

- (1) The first meeting of a parish council is to be called by the minister or the wardens.
- (2) All subsequent meetings are to be called in such manner and at such times as the parish council determines.
- (3) The minister or a majority of the parish council may call a special meeting of the council at any time by written notice to each member of the council. Any such notice must specify the business to be dealt with at the special meeting and without the consent of all members of the parish council no other business may be dealt with at such meeting.

4.9 Requirements for a quorum

At meetings of a parish council one-third of the existing number of members of the council constitutes a quorum.

4.10 Chairman

- (1) Except as provided by this rule, the minister, if present, is the chairman of a meeting of a parish council.
- (2) If the minister is not present, the members present must elect a chairman to preside during the absence of the minister.
- (3) The chairman has a casting vote only.
- (4) Nothing in this rule prevents the minister, if he is present at the meeting of the parish council, from authorising a member of the council to be the chairman of the meeting.
- (5) An authorisation under sub-rule (4) may be revoked by the minister at any time.
- (6) The minister must, in relation to any matter concerning his stipend or allowances, vacate the chair and the members are to elect a chairman to preside during any discussion or determination of the matter.
- (7)
- (8)

4.10A Conflicts of interest

A member of a parish council is disqualified from taking part in the exercise of any function of the parish council if the member or a member of his or her family has a personal financial interest in the exercise of the function.

Note: For example, a member of the parish council must not vote on or take part in any decision of the parish council to pay to the member or a member of his or her family a stipend, salary or other amount.

4.11 Resolutions without a meeting

- (1) The members of a parish council may pass a resolution without a meeting of the members being held if –
 - (a) a document setting out the proposed resolution and containing a statement that a member is in favour of the proposed resolution is provided or sent to each member either personally or at the last postal or electronic mailing address provided by the member for the purpose of receiving material in connection with meetings of the parish council, and

- (b) fractions being counted as one, 75% of the members who would be entitled to vote on a motion for the resolution at a meeting of the parish council notify the person who provided or sent the statement that they are in favour of the proposed resolution by returning to that person a signed copy of the statement or otherwise confirming the statement to that person by electronic means,

provided that the proposed resolution will not pass as a resolution under the provisions of this rule if any member who would be entitled to vote on a motion for the resolution at a meeting of the parish council notifies the person who provided or sent the statement of their unwillingness for the proposed resolution to pass as a resolution under the provisions of this rule and such notification is given before the proportion of members referred to in paragraph (b) is reached.

(2) Separate copies of a document may be used for the purposes of sub-rule (1) if the wording of the resolution and statement is identical in each copy.

(3) The resolution is passed when the requirements of sub-rule (1) are satisfied.

(4) A resolution passed under this rule 4.11 is to be recorded in the minutes of the next meeting of the parish council.

CHAPTER 5

PROPERTY

Part 1 Churches

5.1 Consecration and licence

- (1) No building intended to be used regularly for the conduct of services of public worship is to be used for that purpose unless the building has been licensed or consecrated as a church.
- (2) Sub-rule (1) does not apply to a building used by a congregation which has been notified under rule 6.1(1).
- (3) An application for a licence or sentence of consecration may be made by the minister or the trustee of the building.
- (4) Subject to sub-rule (5), no building is to be licensed or consecrated as a church until –
 - (a) the land on which the building is erected has been vested in the Property Trust or a trustee approved by the Archbishop-in-Council, and
 - (b) the building has been provided with such things as may be requisite according to the law and usage of the Anglican Church of Australia in the Diocese.
- (5) Where a building erected on church trust property in a parish is licensed or consecrated as a church, the Archbishop may license any other building in that parish to be used temporarily or from time to time as a church if requested so to do by the minister and a majority of the members of the parish council of the parish.
- (6) A licence issued under sub-rule (5) (unless revoked under rule 5.7) is to be for the period specified in the licence and any building so licensed is a church of the parish concerned for the purposes of these rules during that period.

5.2 Name of a church

- (1) The name of a church is that specified in the licence or sentence of consecration.
- (2) The name of a church may only be changed by the Archbishop at the request of the minister and wardens, if any.

5.3 Uses of churches

- (1) A church may be used for any one or more of the following purposes –
 - (a) the conduct of a service of public worship,
 - (b) the conduct of any activity of the parish,
 - (c) the conduct of a meeting of a non-Anglican congregation pursuant to rule 5.6,and for no other purpose or purposes.
- (2) A person may not use a church for a purpose permitted under this rule, except with the consent of the minister (if any) for the time being of the church or, in the absence of the minister, with the consent of the Archbishop or the Regional Bishop.
- (3) The Regional Bishop may have occasional use of any church in his Region for any of the purposes listed in sub-rule (1).

5.4 Alterations, Ornaments and Monuments

It is not lawful –

- (a) to alter, add to or take away from the fabric, utensils, ornaments or furniture of a church, or
- (b) to place or remove any monument, memorial or tablet in or on any part of a church or church trust property but the parish council may permit any alteration or addition to be made to an existing monument, memorial or tablet in a burial ground, or
- (c) to erect any wall on church trust property in which to inter the ashes of any deceased person or use any such wall for that purpose,

except with the approval of the Archbishop by a faculty or other form of permit.

5.5 Faculties

- (1) Subject to any regulations made under this rule, an application for the Archbishop's approval under rule 5.4 is to be made by the minister and parish council.
- (2) The Archbishop-in-Council may from time to time make regulations relating to the practice, procedure, forms and fees to be paid in respect of all matters arising under this rule and rule 5.4.
- (3) The Archbishop may, for the purpose of enabling him to deal with an application for his approval under this rule, direct that notices be given, meetings be summoned and other things be done in such manner as he determines.

5.6 Use of churches by non-Anglican congregations

- (1) The wardens may only permit a non-Anglican congregation to use a church of the parish for the purposes of that congregation if –
 - (a) the Archbishop, or a Regional Bishop authorised by the Archbishop, has approved such use and any conditions of that approval have been fulfilled, and
 - (b) in relation to non-occasional use, an agreement in the form of the draft agreement referred to in paragraph (c)(ii) of sub-rule (2) has been executed by or on behalf of the non-Anglican congregation. Any such agreement must not authorise the use of the church for a term exceeding 2 years.
- (2) The Archbishop, or a Regional Bishop authorised by the Archbishop, may only approve the use of a church by a non-Anglican congregation if –
 - (a) the minister and the majority of the parish council consent in writing to that use, and
 - (b) the Archbishop, or such Regional Bishop, is satisfied that the profession of faith of the non-Anglican congregation is Bible-based, and
 - (c) in relation to non-occasional use, the Regional Archdeacon –
 - (i) has reported to the Archbishop or such Regional Bishop on the basis of faith held by the non-Anglican congregation, and
 - (ii) is in possession of a copy of a draft agreement relating to such use in a form approved by the Property Trust.
- (3) An approval under sub-rule (2) must be communicated in writing to –
 - (a) the minister and the parish council of the parish in which the church is situated, and
 - (b) in relation to non-occasional use, the Property Trust.
- (4) An approval under sub-rule (2) may be given subject to such conditions as the Archbishop, or the Regional Bishop, as the case may be, considers appropriate.
- (5) The Archbishop-in-Council may, from time to time, make guidelines not inconsistent with these rules relating to the use of a church by a non-Anglican congregation.

5.7 Revocation of licence, etc

- (1) If the minister or wardens, or the Regional Archdeacon, consider that a church of the parish should be closed, they must –
 - (a) discuss the proposal with the parish council of the relevant parish, and
 - (b) consult with the minister of the parish and/or the Regional Archdeacon and obtain his or their views, and
 - (c) convene a general meeting of parishioners to ascertain the views of parishioners, and
 - (d) if considered appropriate, recommend to the Archbishop that services be discontinued and the church be closed.
- (2) Any recommendation to the Archbishop under this rule should contain –
 - (a) the reasons for closure, and
 - (b) an assurance that there is no disagreement over the proposal, or, alternatively, details of any disagreement, and
 - (c) a list of any valuable items and details of where they will be stored, and

Schedule 2: Rules for parish based administration

- (d) the arrangements made for the removal of any memorials and for their storage, and
 - (e) an indication of the possible future of the property, and
 - (f) the consent in writing of the minister (if any) of the parish in which the church is situated.
- (3) After receipt of the recommendation, the Archbishop may revoke the licence or sentence of consecration of the church.
- (4) A parish council of a parish may initiate a proposal for the revocation of the licence or sentence of consecration of a church in accordance with the procedure in sub-rule (1).

Part 2 New buildings

5.8 New Sites for Churches

- (1) A person who wants to provide land as the site for a church or a building which includes a church must –
- (a) obtain the approvals of the Archbishop and the Property Trust, and
 - (b) thereafter transfer the land to the Property Trust.
- (2) This rule does not apply to a person who wants to provide land by will.
- (3) In this rule “person” includes a corporation.

5.9 Architectural Panels

- (1) There is to be an architectural panel for each Region of the Diocese.
- (2) The members of the architectural panels are to be appointed by the Archbishop. Each such appointment may be revoked at any time by the Archbishop. A person may be a member of more than one architectural panel at the same time.
- (3) The architectural panels, from time to time, are jointly to prepare, revise and make available guidelines for the requirements to be satisfied in order to obtain an approval under rule 5.10.

5.10 Approval of Plans and Specifications

- (1) A person wishing to erect or alter a building on church trust property intended for use as a church or hall or to erect or effect structural alterations to a house for the use of clergy or a lay minister of the parish must first obtain approval under this rule for the proposed works. If an approval is given subject to conditions, the works may be executed only if the conditions are satisfied.
- (2) An application for approval must –
- (a) be approved by resolution of the parish council of the parish in which the relevant building will be or is situated, and
 - (b) be signed by the minister and a majority of the members of the parish council of that parish, and
 - (c) be accompanied with site plans, building plans and specifications in relation to the proposed works, and
 - (d) contain information sufficient to satisfy an architectural panel that arrangements will be made for the proper and adequate supervision of the proposed works.
- (3) All site plans, building plans and specifications for any such works must be prepared by a suitably qualified person substantially in accordance with the current guidelines for the architectural panels.

Note: *In view of the role of the architectural panel under rule 5.10(5) to recommend that an application be approved, unconditionally or subject to conditions, or be rejected, it is usually highly desirable to consult with the architectural panel about the application at an early stage and certainly before the site plans, building plans and specifications are finalised.*

- (4) An application for approval may be lodged with the Regional Bishop or Regional Archdeacon.

(5) A Regional Bishop or Regional Archdeacon who receives an application for approval must refer the application to an architectural panel. The architectural panel must consider the application and recommend to –

- (a) the Archbishop, or
- (b) the Regional Bishop authorised by the Archbishop to give approvals under this rule generally or in any particular case,

that the application be approved, unconditionally or subject to conditions, or be rejected.

(6) On receipt of such recommendation, the Archbishop or Regional Bishop must approve the application, unconditionally or subject to conditions, or reject the application.

(7) No building work may commence in relation to the execution of any works until an approval under this rule has been given to those works.

(8) At any time before an approval is given, the minister may and, if requested in writing by the Archbishop or an architectural panel, must refer the application or any matter relating to the application to the relevant parish council for further consideration and any resolution must be notified in writing to the Archbishop or the architectural panel as soon as reasonably possible after it is made.

Part 3 Burial grounds and columbaria

5.11 Burial grounds

(1) A burial ground is under the charge and administration of the minister and the wardens of the parish in which the burial ground is situated.

(2) Any burial of the dead in a burial ground is to be conducted according to the rites and ceremonies of the Anglican Church of Australia.

5.12 Columbaria

(1) A columbarium erected on land which is church trust property is under the charge and administration of the minister and wardens of the parish in which that land is situated.

(2) A columbarium must not be erected on land which is church trust property unless, the land –

- (a) comprises a separate lot in a registered plan, and
- (b) is a burial ground,

unless an exemption for good reason is granted by the Property Trust.

5.13 Regulations, fees, etc

(1) The trustees of a burial ground may make and from time to time alter rules, regulations and scales of fees –

- (a) for the management of the burial ground and any columbarium on the burial ground,
- (b) for interments in the burial ground and the placing of any ashes in a columbarium on the burial ground,
- (c) for the enclosure of land in the burial ground by kerbing or otherwise, and
- (d) for any other matters including the application of any such fees.

(2) The trustees of church trust property, not being a burial ground, upon which is erected a columbarium together may make and from time to time alter rules, regulations and scales of fees –

- (a) for the management of the columbarium,
- (b) for the placing of any ashes in the columbarium, and
- (c) for any other matters including the application of any such fees.

Part 4 Private trustees

5.14 Election or Appointment: Provision of Accounts

(1) Where any real or personal property is held upon trust for a parish by trustees other than the Property Trust or the wardens, those trustees are subject to the same obligations with respect to providing accounts as are prescribed for wardens under rule 9.11.

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(2) A person who is proposed or nominated for election or appointment as a trustee of property held upon trust for a parish or church must make the following declaration –

“I am a member of the Anglican Church of Australia.

I am not less than 18 years of age.

Dated this day of 20 .”

(3) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this rule –

- (a) within 7 days before the person's election or appointment, or
- (b) within 7 days after the person's election or appointment.

(4) Any trustee who –

- (a) has been absent from the State for more than 12 successive months or from more than 3 successive meetings of the trustees without the consent of his or her co-trustees or the sanction of the Archbishop, or
- (b) has neglected or refused to execute a declaration of trusts or to act within the trusts or to furnish any account called for under this rule, or
- (c) has become bankrupt or mentally ill, or
- (d) has in the opinion of the Archbishop-in-Council become incapable or unworthy of acting,

may be removed from office by the Archbishop-in-Council.

(5) The names, occupations and residential addresses of all trustees (other than the Property Trust) and a description of the property held by them must be recorded by the Registrar of the Diocese.

CHAPTER 6

CONGREGATIONS

6.1 Notification of congregations

(1) Subject to sub-rule (2), the minister and wardens of the parish are to notify the Registrar in writing of any group of persons who meet together on a regular basis within the Diocese –

- (a) for services of public worship, and
- (b) under the pastoral leadership of the minister of the parish, and
- (c) in a building which is not a church of the parish.

(2) Before the minister and wardens make a notification pursuant to sub-rule (1) in relation to a group of persons who meet in a building (or part) situated outside the boundaries of the parish, the minister and wardens are to consult with the Regional Council and the parish council of the parish in which the building (or part) is situated.

(3) A notification made in relation to a group of persons pursuant to sub-rule (1) is to include a brief description of the group and the address of the building in which the group meets.

(4) A notification made in relation to a group of persons pursuant to sub-rule (1) ceases to be in effect if the minister and wardens notify the Registrar in writing that the group has ceased to meet in the manner described in subclause (1).

Note: A congregation which meets in a church of the parish does not need to be notified under rule 6.1 (see definition of congregation in rule 1(1)).

6.2 Movement of congregations

(1) If a congregation for which a notification has been made under sub-rule (1) moves to a new building, the minister and wardens are to notify the Registrar in writing as soon as practicable of the address of the building.

(2) Before such a congregation moves to a new building situated outside the parish, the minister and wardens are to consult with the Regional Council and the parish council of the parish in which the building is situated.

6.3 Functions in relation to congregations

The minister, wardens and parish council of the parish are to exercise their functions in relation to a congregation which meets in a building which is not a church of the parish so far as those functions are relevant to the congregation and the building in which the congregation meets.

6.4 Persons permitted to conduct public worship for congregations

No person is permitted to conduct a service of public worship or preach any sermon for a congregation of the parish unless –

- (a) in the case of a clergyman other than a deacon, he has been licensed or approved by the Archbishop or an Regional Bishop, or
- (b) in the case of a deacon, he or she has been licensed or approved by the Archbishop or an Regional Bishop, or
- (c) in the case of a layperson, he or she has been authorised so to do pursuant to the Deaconesses, Readers and Other Lay Persons Ordinance 1981.

CHAPTER 7

SAFE MINISTRY

7.1 Interpretation

In this Chapter –

child means a person under the age of 18 years and children has a corresponding meaning.

child abuse means child abuse as defined in *Faithfulness in Service* adopted as the Diocesan Code for personal behaviour and the practice of pastoral ministry by clergy and church workers as amended from time to time by the Synod.

children's ministry position means any paid or unpaid position to which a person is appointed by or on behalf of the minister or the wardens that primarily involves contact with children where that contact is not directly supervised.

Director of Professional Standards means the person appointed as Director under the Discipline Ordinance 2006 or any ordinance replacing that ordinance.

parish office holder means the minister, another member of the clergy, a warden, a parish councillor, a parish representative for a Synod, a parish nominator elected or appointed under the Nomination Ordinance 2006 or a person appointed to a position under rule 3.7, 3.9(1)(b), 3.12, 3.16 or 3.17.

Safe Ministry Board means the Board constituted under the Safe Ministry Board Ordinance 2001.

Safe Ministry Training means training approved by the Safe Ministry Board.

7.2 Training

(1) A person appointed to a children's ministry position must have satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every 3 years thereafter while the appointment continues.

(2) Where a person appointed to a children's ministry position has not, without just cause, satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every three years thereafter while the appointment continues, their appointment is revoked.

7.3 Appointment and term of office of a safe ministry representative

(1) Subject to rule 7.4, the minister must, with the concurrence of the parish council, appoint a person as a safe ministry representative for the parish.

(2) Subject to sub-rule (3) and rule 7.4, the person appointed as a safe ministry representative holds office for a term of 12 months unless at the time of the appointment some other period is specified in writing by the minister.

(3) The minister may, with the concurrence of the parish council and subject to rule 9.3, revoke the appointment of a person as a safe ministry representative as he thinks fit.

Note: *The minister is responsible for promptly reporting to the Registrar the details of a person appointed as a safe ministry representative under rule 3.18(a)."*

7.4 Qualification to be a safe ministry representative

(1) A person appointed as a safe ministry representative must –

- (a) be not less than 21 years of age, and
- (b) have satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment and every 3 years thereafter while the appointment continues, and
- (c) sign the following declaration within 7 days before or after being appointed –

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

(2) The appointment of a person as a safe ministry representative is revoked if the person –

- (a) has not, without just cause, satisfactorily completed safe ministry training within the last 3 years or within 3 months after their appointment, or

(b) fails to make the declaration required by sub-rule (1)(c).

(3) A person who is or becomes –

(a) bankrupt, or

(b) mentally ill or otherwise incapable of acting, or

(c) a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998,

may not be appointed or continue as a safe ministry representative.

Note: Rule 1.1(5) defines when a person is or becomes bankrupt or mentally ill.

7.5 Functions of a safe ministry representative

A safe ministry representative has the following functions –

(a) to ensure compliance by the minister or the minister's delegate with the Child Protection (Prohibited Employment) Act 1998 by persons appointed to a children's ministry position within the parish, and

(b) to maintain records of the date and place of safe ministry training satisfactorily completed by persons appointed to a children's ministry position within the parish, and

(c) to provide a report, at least annually to the parish council, that includes current policies and practices, and any suggested changes, to ensure the safety of children involved in the activities of the parish and such other matters as may be prescribed by the Safe Ministry Board, and

(d) to report to the Director of Professional Standards, and in the case of a parish office holder, to the minister and any applicable delegate of the minister, knowledge or reasonable suspicion that a child who attends or has attended any activity of the parish has suffered child abuse or is at the risk of harm of child abuse from a parish office holder.

CHAPTER 8

QUESTIONS AND DISPUTES

Note: *Disputes between the minister and parishioners may also be dealt with under the Parish Disputes Ordinance 1999.*

8.1 Policy concerning disputes

The policy of the Anglican Church of Australia in the Diocese is that any dispute between the minister and any of the members of this Church should be solved in a prayerful and pastoral manner, having regard to the rights and duties of those persons, rather than by legal decision.

8.2 Questions and disputes about meetings, elections and appointments

- (1) If any question or dispute arises as to whether –
- (a) any meeting has been properly called or conducted in accordance with these rules, or
 - (b) any election or appointment of any person or persons to any office established or provided for by these rules has been conducted or made in accordance with these rules,

the question or dispute may be determined by the Archbishop-in-Council or, if the Archbishop-in-Council so decides, by a disputes and conciliation committee.

- (2) If, under this Part, it is determined that the election or appointment of a person to an office has not been validly made, the determination does not of itself have the effect of invalidating the election or appointment of any other person or persons.

8.3 Questions and disputes about vacancies in offices, parishioners, congregations and use of churches

If any question or dispute arises –

- (a) as to whether any vacancy has arisen in the office of a warden or of a member of a parish council, or
- (b) as to whether a person is for the time being –
 - (i) a parishioner of a parish, or
 - (ii) a parishioner of a congregation, or
- (c) as to whether a group of persons is a congregation of a parish, or
- (d) as to whether a church of a parish is being used for a permitted purpose,

the question or dispute may be determined by the Archbishop.

8.4 Disputes and conciliation committees

- (1) The Archbishop-in-Council may from time to time establish one or more disputes and conciliation committees.
- (2) The members of each disputes and conciliation committee are to consist of at least 3 persons appointed by the Archbishop-in-Council of whom at least one is to be a minister licensed to a parish and at least one is to be a lay person.
- (3) A member of a disputes and conciliation committee holds office for such term and in accordance with such conditions as may be specified by the Archbishop-in-Council.

8.5 Procedure in dealing with questions and disputes

- (1) The Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may enter into the consideration of any question or dispute, only on the application of some person or persons interested in the dispute.
- (2) For the purpose of determining the question or dispute, the Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may give all such notices may make such enquiries and do all such things as appear reasonable and proper in the circumstances.

8.6 Decisions which may be given

(1) If it is determined under rule 8.2 that any meeting has not been effectively or properly called or conducted in accordance with these rules, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may –

- (a) declare that in the circumstances of the case the meeting was called and conducted substantially in accordance with these rules, that no injury has been caused and that no further meeting is required to be called, or
- (b) declare that the meeting was not called and conducted substantially in accordance with these rules, that no injury has been caused and that no further meeting is required to be called, or
- (c) direct that another meeting be called for all or any of the purposes for which the original meeting was or should have been called, as the circumstances of the case may require, specifying the purposes for which the meeting is to be called.

(2) If it is determined under rule 8.2 that the election or appointment of any person has not been conducted or made in accordance with these rules on the ground that the person was not qualified for election or appointment to the office, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, must direct that a new election or appointment must be conducted or made, as the case may be, to replace the person.

(3) If it is determined under rule 8.2 that the election or appointment of any person has not been conducted or made in accordance with these rules on any ground other than that specified in sub-rule (2) the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may either –

- (a) declare that in the circumstances of the case the election or appointment is to stand as if it had been validly and properly conducted or made, or
- (b) direct that the election or appointment is not to stand and that a vacancy be declared as from the date of the direction.

(4) If any meeting has been ineffectively provided for or has not been called within the time and in the manner required by these rules, the Archbishop may call the meeting by such notice and for such time and place as he thinks fit or may by writing appoint some other person to call the meeting and to act as chairman.

(5) If any election or appointment of any person either originally or in case of a vacancy to any office established or provided for by these rules has been ineffectively provided for or has not been made in accordance with the preceding provisions of these rules, the Archbishop may call a meeting in accordance with sub-rule (4) to hold the election or may himself make such appointment by writing provided that any person so to be elected or appointed must be duly qualified for the office under these rules.

(6) All meetings, elections and appointments authorised, held and made under this rule have the same authority, validity and effect and are to be taken to be the same in all respects as if they had been called, held and made respectively in accordance with the other provisions of these rules.

**CHAPTER 9
MISCELLANEOUS**

9.1 Name of parish

- (1) The name of the parish is that last designated by the Archbishop.
- (2) The name of the parish may only be changed by the Archbishop at the request of the minister and parish council.

9.2 Terms of appointment

A person appointed to any office under rule 3.7, 3.9(1)(b), 3.12, 3.16 or 3.17 is to be taken to have been appointed for a period of 12 months unless, at the time when the appointment is made, some other period is specified in writing by the person or persons making the appointment.

9.3 Removal of employees

The removal of an employee is subject to the applicable laws relating to termination of employment and, where applicable, clause 16 of the Deaconesses, Readers and Other Lay Persons Ordinance 1981.

9.4 Delegation of functions

- (1) The Archbishop may delegate any or all of his functions under the provisions of these rules to a Regional Bishop or Regional Archdeacon.
- (2) Wherever under these rules a matter is committed the Archbishop, a decision on that matter signed by the Regional Bishop or Regional Archdeacon is to be taken to be the decision of the Archbishop.
- (3) All acts of a Regional Bishop or Regional Archdeacon under delegation from the Archbishop pursuant to these rules, and all acts of the Regional Bishop on the advice of the Regional Council pursuant to these rules must be notified by the relevant Regional Bishop, Regional Archdeacon or Regional Council to the Registrar of the Diocese.

9.5 Exercise of Archbishop's functions by Regional Bishops

- (1) In Chapter 8, the functions conferred on the Archbishop are to be exercised in a Region by the Regional Bishop.
- (2) The minister or parishioners involved in any question or dispute determined pursuant to Chapter 8 by the Regional Bishop may appeal against the determination to the Archbishop.

9.6 Exercise of Archbishop-in-Council's functions by Regional Bishop-in-Council

- (1) In rule 2.5 and in Chapter 8, the functions conferred on the Archbishop-in-Council are to be exercised in a Region by the Regional Bishop acting with the concurrence of the Regional Council.
- (2) The minister or parishioners involved in any question or dispute determined pursuant to this rule may appeal against the determination to the Archbishop-in-Council.

9.6A Exercise of Regional Archdeacon's functions by Regional Bishop or his delegate

The Regional Bishop may, in the absence of a person holding the office of Regional Archdeacon, exercise the functions of the Regional Archdeacon under the provisions of these rules and may delegate the exercise of any of these functions to a person holding office as an Assistant to the Regional Bishop.

9.7 If the minister is absent from the parish

- (1) In any case where –
 - (a) a minister is absent from the parish with leave of the Archbishop, or
 - (b) there is no minister, or
 - (c) a minister is not competent and willing to discharge the functions or any of the functions devolving upon him under these rules,

any person appointed by the Archbishop by writing may, to the extent the persons is licensed or otherwise authorised, discharge such functions and such discharge has the same validity and

effect in all respects as if there had been a minister competent and willing to discharge such functions and he had discharged the same.

(2) The wardens must pay out of moneys under their control the stipend or other moneys payable to any such person appointed with their consent by the Archbishop under this rule.

9.8 Archbishop's right to use buildings

A parochial building, if required by the Archbishop, must be available for the purpose of any meeting which may be called by the Archbishop or a person appointed by him.

9.9 Exercise and enjoyment of rights

Wherever by these rules or another ordinance, rights or powers are conferred upon any minister, wardens or other parish officer, such rights and powers are to be taken to be conferred in order that they may be enjoyed and exercised for the benefit of the Anglican Church of Australia in the parish concerned and not otherwise. This rule does not apply to the rights given to a minister under rule 3.19(1).

9.10 Parochial visits and information

(1) A Regional Archdeacon or an area dean may from time to time visit the minister and wardens of a parish within his region or area for the purpose of being satisfied that –

- (a) services of public worship are being duly and properly conducted in each church and for each congregation of the parish, and
- (b) any property of a church or parish is being properly maintained and repaired and, where any such property is listed on the State Heritage Register maintained from time to time under the Heritage Act 1977, rules 3.3(1)(k) and 3.10(1)(d) are being complied with, and
- (c) the parish is being otherwise properly administered, and
- (d) records are being maintained in accordance with these rules and the law of the Church.

(2) A Regional Archdeacon or area dean may, with the approval of the Standing Committee, request the minister or wardens of a parish within his region or area to furnish him with any return as to any matter, act or thing occurring within the parish and the minister or wardens as the case may be must use their best endeavours to comply with such request.

(3) If –

- (a) the wardens do not comply with 3.10(1)(d), or the parish council of a parish does not comply with rule 3.3(1)(k), and
- (b) the Property Trust or other trustee notifies the Regional Archdeacon of that failure,

the Regional Archdeacon is to take all reasonable steps to obtain such compliance.

9.11 Wardens accountable to Synod

(1) The Synod may call on any wardens to produce a financial statement of their dealings with any church or parish trust property together with all financial records in support of the statement and may submit the statement and records to auditors appointed by the Synod.

(2) If the financial statement and supporting records are not produced within a reasonable time in accordance with sub-rule (1), the Synod may appoint auditors to produce such a statement. For this purpose, the auditors are entitled to have access to all relevant financial records of the church or parish.

(3) The auditor's fees in relation to any work undertaken pursuant to sub-rule (1) or (2) must be paid by the wardens out of church or parish trust property managed by the wardens.

(4) If the Synod is not in session, its functions under this rule will be exercised by the Standing Committee.

Table of Amendments

Schedule 1

Rule 1.1	Amended by Ordinance No 9, 2010.
Rule 2.6	Amended by Ordinance No 9, 2010.
Rule 2.7	Amended by Ordinance No 9, 2010.
Rule 2.8	Amended by Ordinance No 9, 2010.
Rule 2.11	Amended by Ordinance No 9, 2010.
Rule 2.13	Amended by Ordinance No 9, 2010.
Rule 3.9	Amended by Ordinance No 9, 2010.
Rule 3.10	Amended by Ordinance No 29, 2008.
Rule 3.12	Amended by Ordinance No 9, 2010.
Rule 4.1	Amended by Ordinance No 9, 2010.
Rule 4.6	New rule inserted by Ordinance No 9, 2010.
Rule 4.10	Amended by Ordinance No 9, 2010.
Rule 4.10A	New rule inserted by Ordinance No 9, 2010.
Rule 4.11	Amended by Ordinance No 39, 2009. New rule inserted by Ordinance No 9, 2010.
Rule 5.5	Amended by Ordinance No 9, 2010.
Rule 9.6A	New rule inserted by Ordinance No 9, 2010.
Rule 9.11	Amended by Ordinance No 9, 2010.

Schedule 2

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MARTIN THEARLE
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4 June 2010

ROBERT WICKS
Diocesan Secretary