

## **Parish Governance Act 2019**

### **AN ACT**

to repeal the Parish Administration Act and to provide for parish governance, responsibilities and related matters.

BE IT ENACTED by the Bishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Wangaratta duly met in Synod according to law as follows:

Enacted No. 1 of 2019  
Amended No 1 of 2020

### **PART 1 – OBJECTIVES AND GUIDING PRINCIPLES**

#### **Short title**

1. This Act may be cited as the Parish Governance Act 2019.

#### **Purposes**

2. The purposes of this Act are -
  - 2.1. to establish a governance frame work for parishes within which the mission of the Anglican Church in the diocese of Wangaratta may be advanced;
  - 2.2. to provide for the sharing of responsibility for parish governance and administration; and
  - 2.3. to define the roles and powers of those charged with that responsibility.

#### **Objectives**

3. The overarching objective of this Act is the advancement in the diocese of Wangaratta of the gospel and mission of Jesus Christ as received by the Church in ancient times and as continued through the work of the Catholic and Apostolic Church of which the Anglican Church of Australia stands in succession.
4. Any person or body exercising any power or performing any function under this Act shall do so having regard to the Anglican Church's mission to:
  - 4.1. proclaim the Good News of the Kingdom;
  - 4.2. teach, baptise and nurture new believers;
  - 4.3. respond to human need by loving service;
  - 4.4. transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation; and
  - 4.5. strive to safeguard the integrity of creation and sustain and renew the life of the earth

## Definitions

5. In this Act:

**Assistant curate** means a person in priest's or deacon's orders holding a licence as assistant in the parish

**Clearance** means a certification from the Director of Professional Standards that a person is cleared in accordance with the applicable standards to hold a relevant role position or office in the Church

**Communicant** means a person confirmed or otherwise received in to the Anglican Church

**Diocesan Corporation** means the Wangaratta Anglican Diocesan Corporation

**costs of ministry** means the amount, including all allowances, required to be paid to the stipendiary clergy and lay ministers of a parish

**Diocesan assessment** means the amount assessed as payable by a parish under the Diocesan Assessment Act

**Eligible parishioner** means a person who meets the criteria for admission to the parish roll

**Incumbent** means the person holding a licence to perform the duties and responsibilities of a vicar for a parish and may include a priest in charge or deacon in charge where applicable

**Licence** means a licence under the Bishop's seal appointing a person to a role position or office in the parish

**Local churchwarden** means a churchwarden appointed or elected for a local worship centre

**Local congregation** means the regular worshippers at a local worship centre

**Local meeting** means a meeting of a local congregation

**Local worship centre** means a church or place of divine worship that is part of a parish containing two or more worship centres

**Parish** includes parochial district unless the contrary intention appears

**Parish nominator** means a person elected by the annual parish meeting for the purposes of the *Appointments Act 2019*

**Worship centre** means a building within the parish that is consecrated exclusively for the public worship of God or otherwise approved by the Bishop for the purposes of public worship

## **PART 2 – THE NATURE, STRUCTURE AND PURPOSE OF PARISHES**

### **The meaning and purpose of parishes**

6. The parish is the unit for the organising of the mission of God through the Anglican Church within the diocese of Wangaratta.
7. A parish may be either -
  - 7.1. a community of worshippers centred on one or more worship centres; or
  - 7.2. a geographic unit within the area of the Diocese of Wangaratta containing one or more worship centres.
8. To be eligible to be designated a parish, a community of worshippers or geographic unit must -
  - 8.1. possess at least one church building consecrated and licenced for divine worship or otherwise approved by the Bishop for public worship;
  - 8.2. demonstrate the capacity to provide a suitable residence for the use of the incumbent;
  - 8.3. demonstrate the capacity to meet the costs of ministry in the parish; and
  - 8.4. demonstrate the capacity to pay the costs of insurance; and
  - 8.5. demonstrate the capacity to pay the applicable diocesan assessment.
9. A community of worshippers or geographic unit that has been or would otherwise be eligible to be declared a parish which is not able to meet the costs of ministry or the diocesan assessment or insurance may be designated a parochial district.

### **Bishop in Council's power to designate parishes and parochial districts**

10. Bishop in Council may, from time to time, by resolution containing sufficient words of description -
  - 10.1. designate a community or communities of worshippers or a geographic unit to be a parish or a parochial district;
  - 10.2. alter any designation made under section 10.1 including so as to merge two parishes or to discontinue a parish;
  - 10.3. create a new parish and in so doing alter the designation previously applicable to the community or geographic area that forms the new parish;
  - 10.4. specify the name by which the parish is to be known;

- 10.5. approve co-operative arrangements or partnerships between two or more parishes whereby resources and responsibilities may be shared; and
  - 10.6. approve co-operative arrangements or partnerships with worshipping congregations from other Christian denominations whereby worship centres and other parish resources may be shared.
11. In exercising its powers under section 10, Bishop in Council shall have regard to -
- 11.1. the objectives of this Act;
  - 11.2. the wishes of any existing parish or worshipping community;
  - 11.3. the historical designations of parishes within the diocese and the importance of maintaining the identity of existing worshipping communities;
  - 11.4. the desirability of there being an Anglican presence available to any person resident in the Diocese;
  - 11.5. the need to make the most effective use of available resources including both stipendiary and non-stipendiary clergy; and
  - 11.6. the existing dedications of worship centres and the Anglican tradition of naming parishes.

### **PART 3 – PARISH GOVERNANCE**

#### **Rolls to be maintained by and on behalf of the parish**

12. Each parish is to have and maintain by such method as is convenient for its purposes -
- 12.1. A pastoral roll; and
  - 12.2. A parish electoral roll.
13. In addition to the pastoral roll and the parish roll, the parish may collect and retain such information about parishioners as is necessary and appropriate for the purposes of the parish.

#### **Pastoral roll**

14. The pastoral roll -
- 14.1. shall be maintained for the purpose of pastoral ministry and outreach in mission;
  - 14.2. shall be maintained by the incumbent with the assistance of the secretary of the parish council, and

- 14.3. shall include those persons under pastoral care, or otherwise voluntarily associated with the parish irrespective of age, whether baptised or not, who are resident in, or identify with, the parish.
15. Information about a person's entry in the pastoral roll -
  - 15.1. is confidential;
  - 15.2. shall be available for inspection by that person on request; and
  - 15.3. unless the person gives permission, shall not be available anyone other than person themselves, the incumbent, assisting ministry personnel and the parish secretary unless the person concerned gives permission.

### **Parish Electoral Roll**

16. The parish electoral roll shall be maintained by the secretary of the parish council for the purposes of enrolment by parishioners for voting at parish meetings.
17. The parish electoral roll shall -
  - 17.1. contain the name and address of each eligible parishioner who signs a declaration in the form in Schedule 1 to this Act; and
  - 17.2. be in such form as Bishop in Council may determine.
18. A person is an eligible parishioner if they -
  - 18.1. are not less than eighteen years (18) old;
  - 18.2. have been baptised;
  - 18.3. are a communicant member of the Anglican Church;
  - 18.4. are not on the electoral roll of another Anglican parish; and
  - 18.5. are a regular worshipper in the parish.
19. The parish electoral roll shall be revised at least every three years by the secretary of parish council and the incumbent.
20. The parish secretary shall, upon receipt of a request from a parishioner to remove their name from the parish electoral roll, comply with that request.
21. A parishioner who is an eligible parishioner and who has signed the declaration, shall be eligible:
  - 21.1. to vote at the annual meeting and any other parish meeting; and

- 21.2. subject to this Act, to be elected as a churchwarden, parish councillor or any other parish or diocesan officer.
22. Information about a person's entry in the parish electoral roll -
- 22.1. is confidential;
- 22.2. shall be available for inspection by that person on request; and
- 22.3. unless the person gives permission, shall not be available anyone other than person themselves, the incumbent and the parish secretary unless the person concerned gives permission.

### **Churchwardens**

23. Unless Bishop in Council otherwise authorises, a parish will have no fewer than three churchwardens of whom -
- 23.1. one will be appointed by the incumbent; and
- 23.2. the remaining number will be chosen by the parish.
24. In the case of churchwardens chosen by the parish -
- 24.1. where a parish has one worship centre, the annual meeting of the parish shall choose two churchwardens; and
- 24.2. where a parish has more than one worship centre the local congregation of each local worship centre shall choose one churchwarden.
25. Where there is no member of the local congregation available to be appointed as a churchwarden for a local worship centre -
- 25.1. the local congregation will report to the annual parish meeting that it has been unable to fill the office of local churchwarden; and
- 25.2. the appointment of a local churchwarden for the local worship centre will be made by the annual parish meeting.

### **Parish council**

26. Each parish shall have a parish council.
27. The parish council will be comprised of -
- 27.1. the incumbent;
- 27.2. the assistant curate;
- 27.3. the churchwardens appointed or elected under section 23; and

27.4. Parish councillors appointed or elected under section 28.

28. The number of parish councillors will be determined by the annual meeting of the parish under section 40 and will;

28.1. be either three, six or nine; and

28.2. comprise one third chosen by the incumbent at, or within one month after, the annual parish meeting and two thirds elected by the annual parish meeting.

### **Eligibility for election or appointment as a church warden or parish councillor**

29. A person is eligible to be elected or appointed as a churchwarden or parish councillor if they are -

29.1. aged 18 years or more;

29.2. baptised;

29.3. a communicant member of the Anglican Church of Australia;

29.4. a member of the parish roll;

29.5. a parishioner of at least one year's standing;

29.6. not in holy orders; and

29.7. the holder of all required clearances under the applicable professional standards regime.

30. A person may be appointed as a churchwarden for a local worship centre if

30.1. they otherwise meet the eligibility criteria and are a member of the local congregation; or

30.2. where the appointment is being made by the annual parish meeting, they otherwise meet the eligibility criteria and are suitable in all the circumstances to be appointed.

### **Tenure**

31. A person elected as a churchwarden or parish councillor shall hold office until whichever first occurs of:

31.1. their death;

31.2. their resignation;

31.3. their removal; or

31.4. the conclusion of the term of office fixed by the annual meeting in the year they are appointed or elected.

32. On receipt by the Registrar of an application in writing signed by two of the churchwardens requesting the removal of any member of the parish council from office, the Bishop or the Diocesan Corporation, after due investigation, and if satisfied that good cause for such action has been determined, may by writing remove any such member from office.

### **Vacancies**

33. In the case of an office becoming vacant -
- 33.1. any vacancy in the office of churchwarden or parish councillor who had been nominated by the Incumbent shall be filled by the Incumbent; and
  - 33.2. any other vacancy shall be filled by the parish council.
34. Where the parish is vacant, any vacancy in the office of a churchwarden or parish councillor who has been appointed by the Incumbent may be filled by the Bishop.
35. Unless the Bishop otherwise grants authorisation in writing, a person shall be disqualified from office as a parish councillor if they are married to, or in a close personal relationship with, another parish councillor or the incumbent or any other licenced clergy of the parish.

## **PART 4 – PARISH MEETINGS**

### **Annual parish Meeting**

36. The annual meeting of the parish shall be held on a date between 1 October and 1 December in each calendar year.
37. A written notice shall be published at least 28 days before the annual parish meeting advising;
- 37.1. the time and place of the annual parish meeting; and
  - 37.2. the date by which nominations for the offices of churchwarden and parish councillor are to be received.
38. The chair of the annual parish meeting will be the incumbent or any person nominated by the incumbent for the position of chair for part or all of the meeting.
39. At the annual parish meeting after prayer the order of business shall be as follows:
- 39.1. apologies;



- 39.2. unless they have been distributed previously, the reading of the Minutes of the preceding annual parish meeting and their confirmation;
  - 39.3. presentation of reports by the Incumbent, churchwardens and other officers of the parish and parish organisations;
  - 39.4. a report from the Incumbent and / or the parish council on the Mission Action Plan (MAP) or Ministry and Mission Plan for the future.
  - 39.5. the presentation of the reviewed financial statement and other parish organisations for the preceding year and the presentation of a budget for the succeeding year.
  - 39.6. the election of churchwardens (or the acknowledgment of churchwardens already elected at a local annual meeting) and the announcement of the incumbent's appointment as a churchwarden;
  - 39.7. the election of parish councillors and the announcement of the incumbent's appointments as parish councillors if those appointments have been made;
  - 39.8. if the mandate of the Bishop has been issued, the election of lay members and supplementary members of Synod in accordance with the provisions of the *Synod Act 1997*;
  - 39.9. the election of three parish nominators and up to three supplementary parish nominators in accordance with the criteria set out in the *Appointments Act 2019*;
  - 39.10. the election of a reviewer for parish accounts;
  - 39.11. discussion of any proposed recommendations to the incoming parish council and other parish officers concerning the policy, and the programme of the parish for the current year; and
  - 39.12. any other business.
40. Prior to proceeding to the election of parish councillors the annual meeting shall first resolve -
    - 40.1. whether the total number of parish councillors is to be three, six, or nine; and
    - 40.2. whether the tenure of parish councillors and churchwardens elected and appointed is to be one, two or three years.
  41. The method of voting in any election shall be determined by the chair.
  42. Only eligible parishioners present at the parish meeting may vote.

43. A person appointed or elected at a parish annual meeting takes office from the date on which the meeting occurs.
44. A quorum for an annual parish meeting shall be the Incumbent or the person acting on behalf of the Incumbent and either -
  - 44.1. fifteen (15) lay persons or
  - 44.2. a number of laypersons equivalent to fifty percent plus one of the membership of the parish roll,whichever is the lesser.

### **Local annual meeting**

45. Where a parish has more than one worship centre, each worship centre shall hold a local annual meeting to -
  - 45.1. choose or elect a churchwarden; and
  - 45.2. discuss any matters of importance to the local worship centre that should be reported to or discussed at the parish annual meeting.
46. The date of the local annual meeting will be -
  - 46.1. fixed by the incumbent and the relevant churchwarden then in office;
  - 46.2. advertised by appropriate means no less than 7 days in advance of the date of the meeting; and
  - 46.3. at a time prior to the date of the parish annual meeting.
47. The Incumbent or any person nominated by the Incumbent shall be the chair of the local annual meeting and may establish procedures and processes for the effective conduct of the meeting, including any necessary election.
48. All members of the local congregation who are also members of the parish electoral roll are eligible to vote at a local annual meeting.

### **Parish council meetings**

49. Parish council shall hold regular meetings at intervals of no more than two months or such greater frequency as it deems appropriate.
50. Meetings of parish council shall be chaired by the incumbent or by another member of parish council appointed by the incumbent to the role of Chair for all or part of the meeting.

51. At the first meeting of the parish council after the annual parish meeting in each year, and after prayer, the order of business shall be as follows:
  - 51.1. the reading and confirmation of the minutes of the previous parish council meeting;
  - 51.2. the appointment of a secretary and a treasurer, each of whom need not be a member of the parish council;
  - 51.3. if desired, the appointment of a minute secretary, who need not be a member of the parish council;
  - 51.4. the nomination to the Bishop of a person or persons for the role of Safe Church Officer;
  - 51.5. a consideration of any matters referred to it by the annual parish meeting; and
  - 51.6. any other business.
  
52. At subsequent meetings the agenda shall include -
  - 52.1. the reading and confirmation of the minutes of previous meetings;
  - 52.2. a report from the incumbent;
  - 52.3. a report from the churchwardens, including any reports from local churchwardens regarding issues arising at a local worship centre;
  - 52.4. a review of compliance with Safe Church policies;
  - 52.5. a report from the treasurer; and
  - 52.6. such other business as requires the attention of parish council having regard to its obligations under this Act.
  
53. At any meeting of parish council -
  - 53.1. a quorum shall be a simple majority of the members of parish council; and
  - 53.2. only those persons present at the meeting may vote.
  
54. If a churchwarden or parish councillor is absent without leave for more than three consecutive meetings;
  - 54.1. the parish council may resolve in writing to ask the Bishop to remove any such member from office; and
  - 54.2. The Bishop may, after receiving any explanation or submissions from the person concerned, remove the person from office.

## **Special meetings**

55. A special meeting of the parish may be convened by the churchwardens of their own motion or at the request in writing of ten or more parishioners and after consultation with the incumbent.
56. A special meeting of the members of a local worship centre may be convened by the local churchwarden of their own motion or at the request in writing of four or more members of the local congregation.
57. The date of any special meeting shall be -
- 57.1. fixed by reference to the nature and urgency of the matters to be discussed; and
  - 57.2. no sooner than seven days after the Sunday following the date of the written request or churchwarden's motion unless exceptional circumstances require an earlier date.
58. The business of any special meeting -
- 58.1. must be confined to the matter or matters referred to in the written request or churchwardens' motion; and
  - 58.2. may not without the authorisation of the Bishop include any matter that is properly the subject of a review of the incumbent or assistant curate under the *Appointments Act*.
59. The decisions of any special meeting are not binding on the churchwardens or parish council but must be an agenda item for discussion at the next parish council meeting after the date of the special meeting.

## **Local meetings**

60. The incumbent or the local churchwarden may convene a local meeting to discuss issues of relevance to that local congregation.
61. A local meeting shall -
- 61.1. be chaired by the incumbent or by a person appointed by the incumbent to the position of chair;
  - 61.2. occur at a time and place fixed in consultation with the local congregation; and
  - 61.3. follow such procedures as are appropriate for the matters under discussion.

62. The local churchwarden has responsibility for taking any appropriate action arising from a local meeting, including any necessary report to parish council.

## **PART 5 – DIVISION OF RESPONSIBILITIES WITHIN A PARISH**

### **Role of the incumbent**

63. The incumbent has a distinct role in governance and management of the parish and -
- 63.1. is responsible for the administration of public worship, for the preaching and teaching of the word of God, for the administration of the sacraments, and for its whole mission; pastoral, evangelistic, social, and ecumenical;
  - 63.2. contributes biblical, theological, pastoral, liturgical, educational, evangelistic and ethical insights to the governance and management of the parish;
  - 63.3. works in cooperation with the churchwardens and parish council in ensuring that the governance and management of the parish serves the identity and whole mission of the church;
  - 63.4. exercises a presidential role by chairing the parish council and local annual meeting and statutory parish meetings, or by appointing other fit persons to chair such meetings as provided for by this Act, and is entitled to exercise a vote at a meeting of the parish council but not at statutory parish meetings;
  - 63.5. may make appointments (other than appointments under the *Appointments Act 2019*) jointly with the churchwardens under this Act; and
  - 63.6. may recommend to the Bishop persons to be appointed to ministry in the parish.

### **Role of the churchwardens**

64. The churchwardens are responsible for -
- 64.1. acting with the incumbent in planning and developing the work of the Church both within and beyond the parish and by their own examples encouraging all parishioners to establish an active and intelligent Christian witness;
  - 64.2. ensuring that there is proper pastoral support for the Incumbent and the Incumbent's immediate family;
  - 64.3. ensuring that adequate provision is made by each congregation for the proper preservation and safe custody of the church registers and all church plate and other valuables as required by this Act;

- 64.4. ensuring that an inventory is kept of all church property whether movable or immovable;
  - 64.5. subject to the overall supervision of parish council, the care of all church buildings within the parish including the vicarage and other buildings, church grounds, furniture and all other items necessary for divine service including the elements of Holy Communion;
  - 64.6. reporting to the annual parish meeting on the condition of all church property and of any expenditure necessary to keep the residences of the clergy of the parish and other buildings in good order and repair;
  - 64.7. reporting to the Bishop any grave irregularities in the performance of divine service or of any wilful neglect of duty or misconduct on the part of the Incumbent; and
  - 64.8. such other duties and responsibilities as may be delegated to them with their consent by the parish council.
65. All churchwardens, whether appointed by the incumbent or chosen by the parish, have the same powers and responsibilities for the parish.
66. A local churchwarden has particular responsibility for matters associated with that local worship centre including relating to the care of buildings.

### **Role of the parish council**

67. The parish council is the principal governing body of the parish and is responsible for -
- 67.1. promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
  - 67.2. implementing, enforcing and reporting on the parish's compliance with Safe Church policies and practices;
  - 67.3. exercising oversight over, and ultimate control of, the disposition of parish funds, subject to the terms of any trusts, and ensuring that there is sufficient income for the purposes of the parish;
  - 67.4. the management and use of parish property;
  - 67.5. supporting and assisting the churchwardens in the discharge of their responsibilities, including with regard to parish property;
  - 67.6. the consideration and discussion of matters concerning the Anglican Church or any other matters of religious or public interest but not the declaration of the doctrine of the Anglican Church on any question;

- 67.7. ensuring that the parish adopts the best possible policy and practice in relation to the environment and sustainability;
  - 67.8. providing a suitable residence for the incumbent or other housing arrangements as approved by the Diocese;
  - 67.9. ensuring that adequate insurance against death, sickness and injury of all stipendiary clergy licenced to the parish is provided;
  - 67.10. ensuring that all buildings and parish-owned contents are adequately insured;
  - 67.11. providing for the remuneration of all persons appointed to stipendiary positions or roles within the parish;
  - 67.12. ensuring that accurate financial records are maintained and that a reviewed statement of accounts and balance sheet is presented to the annual parish meeting and forwarded to the Registry as and when required by Bishop in Council or requested by the Registrar;
  - 67.13. ensuring that a financial report is presented by the treasurer to each meeting of the parish council;
  - 67.14. making known and putting into effect any provision made by the Synod;
  - 67.15. giving advice to the Synod on any matter referred to the parish council; and
  - 67.16. raising such matters as the parish council considers appropriate with the Synod.
68. In carrying out its responsibilities parish council shall -
- 68.1. ensure that clear and achievable goals with realistic strategies, are set and reviewed annually, building on the strengths of the parish community;
  - 68.2. work within the rules of governance as set down by this Act; and
  - 68.3. ensure that good communication is maintained between all members of the parish community, including between local congregations.
69. Parish council may by ordinary resolution -
- 69.1. Form one or more subcommittees of parish council; and
  - 69.2. Delegate to a subcommittee of parish council such powers and functions as parish council thinks fit.
70. Any delegation of power to a subcommittee must -
- 70.1. be in writing;

- 70.2. contain a clear statement of the powers and functions being delegated and the terms on which the subcommittee may exercise those powers; and
  - 70.3. require regular reports to parish council regarding the progress of the subcommittee's work, including an accounting of any parish funds that have been expended under the parish council's delegation.
71. Minutes of the proceedings and resolutions of every parish meeting or parish Council meeting shall be -
- 71.1. recorded in a Minute book and confirmed and signed by the Chair as a true record; and
  - 71.2. at the conclusion of each term of parish council, bound into a permanent volume for retention as part of the records of the parish.
72. All contracts and undertakings lawfully entered into by the Diocese, on behalf of the parish council, shall be binding upon their successors in office from year to year.
73. The parish council must ensure that all necessary statistics and reports are provided to the Registry for the purposes of diocesan record keeping and reporting.

#### **Parish Council contact point**

74. The parish council must -
- 74.1. appoint a lay member of parish council, who may also be the secretary of parish council, as the designated contact person for the purposes of communications between parish council, the Registry, the Diocese and the broader parish; and
  - 74.2. make the name and contact details of that contact person known to the Registry and to the parish.

#### **Appointments to positions in the parish**

75. The parish council shall determine amounts to be available for the remuneration of the holders of any role, office or position in the parish.
76. Except with the prior written consent of the Archdeacon (or, in a parish in which the Archdeacon is the incumbent, the Bishop), a churchwarden may not be appointed to, or continue to hold, a remunerated office or position in the parish.
77. The appointment of any person to a role or position requiring a licence may only be made by the Bishop in accordance with the *Appointments Act 2019*.



78. The incumbent may, subject to the parish council having allocated funds, appoint a person to any remunerated or voluntary role, office or position in the parish in relation to public worship, mission or teaching, including as -
- 78.1. organist, choir director or musician;
  - 78.2. children's ministry leader or assistant;
  - 78.3. pastoral care assistant or visitor; or
  - 78.4. bible studies or Christian education facilitator.
79. The incumbent and churchwardens may jointly appoint a person to any role, office or position in the parish involving -
- 79.1. the handling or collection of moneys or the keeping of parish books and records;
  - 79.2. the management of parish fundraising activities or commercial enterprises; or
  - 79.3. any other task or responsibility to be carried out in or on behalf of the parish.
80. A person appointed to a role, office or position in a parish under this Act -
- 80.1. must be fit to hold the role, office or position in the Anglican Church whether unconditionally or subject to any condition or restriction;
  - 80.2. must hold any necessary clearance or Safe Ministry check under the applicable professional standards legislation; and
  - 80.3. must hold any necessary licence or authority from the Bishop.

## **PART 6 – FINANCIAL MATTERS**

### **Stewardship of funds**

81. The parish council has oversight and ultimate control over monies raised or received by or on behalf of the parish.
82. Where a parish has more than one worship centre the parish council must ensure that funds received by or on behalf of the parish in respect of a particular worship centre are preserved for the use of that worship centre save for the amount reasonably required to be contributed to the overall expenses of the parish.

### **The application of parish funds**

83. Funds held in the name of the parish shall be applied to -

- 83.1. The provision of all things necessary for divine service;
- 83.2. The amount payable to the Ministry Fund;
- 83.3. the costs of insurance;
- 83.4. the Diocesan Assessment;
- 83.5. the care and maintenance of parish buildings;
- 83.6. the general purposes of the parish.

### **Management of parish funds**

- 84. No funds shall be dispersed other than in accordance with a resolution or delegation from parish council.
- 85. All parish trust funds shall be deposited with the Diocesan Trusts Corporation.
- 86. All other parish funds, subject to section 87, shall be deposited in a bank account in the name of the parish or congregation concerned and all cheques or internet banking withdrawals against such deposits shall be signed by at least two persons authorised to do so by the parish council.
- 87. Where a parish holds parish funds in excess of a sum equivalent to three times the amount of the parish's diocesan assessment, the surplus shall be deposited with the Diocesan Trusts Corporation which shall hold the funds on behalf of the parish.
- 88. Every school, society, club, committee or other institution within the parish shall be entitled to raise and hold monies provided that -
  - 88.1. the uses to which such monies are put are not contrary to the Act and meet with the approval of the parish council;
  - 88.2. all such monies, not so excluded by the trusts under which they are held, shall be deposited in a bank account or with a financial institution approved for the purposes of this section by the Bishop or the Board of the Diocesan Corporation in the name of the school, society, club, committee or other institution as the case may be and all withdrawals shall be signed by at least two persons authorised to do so;
  - 88.3. at the annual parish meeting and at such times when called upon so to do by the parish council the person or persons having the custody or control of such monies shall submit a reviewed statement of accounts and balance sheet;
  - 88.4. if a request is made by the parish council the whole or any specified part of such monies shall be paid to the parish council;

88.5. If the school, society, club, committee or other institution considers such request to be unreasonable or contrary to the purposes for which such monies were raised it may appeal to the Bishop or the Board of the Diocesan Corporation, with the determination of the dispute by the Bishop or the Board of the Diocesan Corporation to be accepted as final.

89. All monies received by the parish council for a specified diocesan or extra-diocesan purpose shall be forwarded to the Registrar together with advice and all supporting documentation of such specified purpose within one month of such receipt.

### **The parish budget**

90. The parish financial year shall be from the first day of October to the thirtieth day of September.

91. The parish council must approve the parish budget of income and expenditure for the coming financial year in advance of the annual parish meeting.

92. Prior to the annual parish meeting the retiring parish council shall cause to be prepared a statement of all monies received and expended during the financial year and of all liabilities existing at the end of the year and such statement shall be certified as correct by the reviewer and shall be presented at the annual parish meeting.

93. The parish council shall deliver to their successors all records containing the accounts of all monies to the end of the preceding financial year as presented to the annual parish meeting together with the balance of monies under its control and a statement of all transactions effected since the end of the preceding financial year to the date of such delivery.

### **Role of the treasurer**

94. The treasurer shall be responsible for -

94.1. the preparation and submission to parish council of an annual statement of income and expenditure and assets and liabilities for the parish;

94.2. the presentation of reviewed accounts to the annual parish meeting;

94.3. preparation and submission to parish council of a budget of income and expenditure for the coming financial year; and

94.4. the provision to the parish review of all statements and records as are required for the purpose of reviewing the accounts.

## **Ministry Fund**

95. Each parish shall participate in the Ministry Fund of the Diocesan Corporation by -
- 95.1. submitting each year on the date fixed by the Diocesan Corporation a detailed budget of its receipts and expenditure for the forthcoming financial year;
  - 95.2. providing such further information as the Diocesan Corporation may require; and
  - 95.3. paying into the Ministry Fund the amount fixed by the Diocesan Corporation as applicable to that parish.
96. The Diocesan Corporation shall determine the amount to be paid by each parish having regard to -
- 96.1. the financial position and affairs of the parish; and
  - 96.2. the cost of ministry in the parish.
97. Where a parish ceases to be able to pay the amount determined by the Diocesan Corporation or fails without reasonable excuse to do so, Bishop-in-Council may exercise its power under section 10 to designate the parish as a parochial district.
98. The monies held in the Ministry Fund shall be applied to -
- 98.1. the payment of all stipends and other amounts due to stipendiary clergy and licensed lay ministers, including superannuation contributions and long service leave contributions; and
  - 98.2. administration and management fees.
99. The Diocesan Corporation shall keep full and accurate records of all transactions, submissions, reports, determinations and other relevant matters relating to the Ministry Fund and shall submit an audited statement regarding its administration and management to each session of Synod.
100. The Diocesan Corporation may from time to time make regulations for and with respect to -
- 100.1. the appointment of a Ministry Fund Committee to provide advice on the management and administration of the Ministry Fund, including on the determination of the proper amount to be paid by each parish;
  - 100.2. the way in which the Ministry Fund Committee is to perform its functions;

- 100.3. the method by which parishes are to make payments into the Fund;
- 100.4. the method by which payments will be paid from the Fund;
- 100.5. income tax deductions to be paid to the Australian Tax Office;
- 100.6. administration and management fees; and
- 100.7. other matters necessary or convenient for the purposes of the Ministry Fund and this Act.

### **Insurance**

- 101. A parish must pay to the Diocese the amount in insurance costs that are attributable to the parish.

### **Review and examination of accounts**

- 102. The parish council and treasurer shall ensure that all parish accounts are subject to review in advance of the parish annual meeting by a suitably qualified reviewer and for that purpose shall provide any assistance reasonably required by the parish reviewer.
- 103. For the purposes of the review, the parish reviewer shall use such processes and methods as are specified from time to time by Bishop in Council.

### **Cooperation with the diocese and diocesan corporation**

- 104. The parish council and treasurer shall provide all assistance and cooperation reasonably required by the Diocese or by the Diocesan Corporation with regard to financial and administrative matters.

## **PART 7 - PROPERTY**

### **Use of parish property**

- 105. The management and use of church land and buildings shall be determined by the parish council in partnership with the Incumbent.
- 106. The parish council must ensure that the uses to which property held or controlled for parish purposes are put are consistent with the fundamental beliefs and principles of the Christian church and the good name and repute of the Anglican Church.
- 107. The keys to all church buildings shall be held by the incumbent and a designated churchwarden, who shall ensure that a key register is maintained.

108. No meeting shall be held in any parish building without the consent of the incumbent or, where the parish is vacant, the consent of the parish council.

#### **Maintenance of parish properties**

109. The parish council shall in the exercise of its overall financial responsibilities;
- 109.1. budget responsibly for the upkeep and operations of all parish buildings;  
and
- 109.2. where possible, invest funds for the long term maintenance of those buildings.
110. The churchwardens shall in the exercise of their powers and responsibilities under this Act with regard to parish property -
- 110.1. make regular inspections of the buildings of the parish for which they have particular responsibility;
- 110.2. maintain records of work done or required to be done by way of maintenance; and
- 110.3. report to parish council on maintenance required or completed.

#### **Property rights of the incumbent**

111. The incumbent shall have access at all times to every church, place of worship or other building used for parish purposes.
112. The incumbent is entitled to lead public worship, administer the sacraments and perform all other rites and ordinances of the Anglican Church without hindrance from any one.
113. The incumbent is entitled to reside in a vicarage attached to one of the worship centres in the parish and, when resident, to the free and unimpeded use and enjoyment of that vicarage and any land associated with it subject to permitting an annual inspection by the churchwardens on behalf of the parish council.
114. The incumbent may not let or otherwise part with possession of the vicarage and if the incumbent does not reside in the vicarage the parish council is responsible for deciding how it and any land associated with it are to be occupied or otherwise used.
115. The rights and entitlements of an incumbent continue only for as long as they are the incumbent.

### **Alterations to the fabric of church buildings**

116. The fittings and furniture of a new church may be installed, and the fabric, fittings and furniture of any church may be added to, altered or removed, only by the churchwardens with the approval of the incumbent and parish council and the prior written consent of the Bishop.
117. A monument must not be placed within or on the walls of a church or in the church grounds without a faculty from the Bishop.
118. Subject to section 119, the churchwardens must not remove or reinstate anything installed, added, altered or removed otherwise than in accordance with a faculty from the Bishop.
119. Section 118 does not prevent the churchwardens from repairing and maintaining the fabric, fittings and furniture of a church as closely as possible to their original condition.
120. Where a faculty for the placing of a monument has been granted, the churchwardens may approve the monument upon payment of appropriate charges and in accordance with any applicable regulations and the person so placing a monument, and the person's heirs, administrators and executors, may maintain and keep up the monument to and for his, her or their sole and separate use.

## **PART 7A - DEALING WITH PARISH LAND** *[insertion No 1 of 2020]*

### **Ownership of parish land**

- 120A. All land acquired or held for the benefit of a parish or parochial district
- 120A.1. is parish land for the purposes of this Act and any other Act;
- 120A.2. will be held by the Trusts Corporation; and
- 120A.3. may not be sold save with the authorisation of Bishop in Council and in accordance with this Part.

### **Limitation on sale of parish land**

- 120B. Bishop in Council may not sell any parish land that is subject to any express trust or limitation that would prevent the sale.
- 120C. Where no express trust or limitation applies, Bishop in Council may authorise the sale of parish land where that land is either -
- 120C.1. redundant; or

- 120C.2. required to be sold for the purposes of –
- (a) purchasing new land in the same parish; or
  - (b) constructing, extending or renovating buildings on existing parish land; or
  - (c) meeting the costs of past construction, extension and renovation occurring within the eight years prior to the sale.
- 120D. For the purposes of section 120C.1 -
- 120D.1. parish land is redundant where Bishop in Council is satisfied that the land in question is of no possible foreseeable use to the diocese;
- 120D.2. before reaching any such state of satisfaction Bishop in Council must -
- (a) conduct an investigation;
  - (b) consult with the parish and the diocese; and
  - (c) identify the extent to which a parish has any special or particular entitlement to the proceeds of sale of land deemed to be redundant.

#### **Proceeds of sale of parish land**

- 120E. Where parish land is sold for purposes of purchase, construction, extension, renovation or the costs of such past activities, the proceeds of sale of parish land are to be applied to those costs of those activities.
- 120F. Where redundant land is sold, and subject to the discretion of Bishop in Council in any particular case under section 120G or otherwise, the proceeds of sale will be applied as follows:
- 120F.1. one third to the Church Extension Fund; and
- 120F.2. two thirds to one or more of the following purposes:
- (a) the development of the ministry and mission of the Church in the parish and/or the diocese;
  - (b) capital development within the parish; or
  - (c) capital development within one or more parishes within the diocese.
- 120G. In any case where Bishop in Council is satisfied that the parish has a special or particular entitlement to the proceeds of sale of redundant land, Bishop in Council may direct that the parish receive a greater share of the sale proceeds provided that this additional share is directed to capital development within the parish.



- 120H. Monies paid into the Church Extension Fund will be applied as directed by Bishop in Council for diocesan purposes, including by way of grant or loan to a parish or parishes.

## **PART 8– RECORDS AND REGISTERS**

### **Clearances and safe ministry checks**

121. The parish council must ensure that a record of clearances and safe ministry checks in relation to all parish office holders and volunteers is maintained and kept in a safe and secure place.

### **Registers of services**

122. The incumbent must keep or cause to be kept and have the custody and control of the registers and records relating to:
- 122.1. public worship;
  - 122.2. baptisms;
  - 122.3. persons prepared and presented for confirmation;
  - 122.4. marriages solemnised; and
  - 122.5. funerals, memorial services, burials and interments of ashes
123. The registers and records must be in the form and contain such particulars as are prescribed by Bishop in Council.
124. The churchwardens must provide the incumbent with the necessary books and with a safe place to store them.
125. The registers and records are the property of the Diocese and not of the incumbent by whom they were compiled.
126. At the end of an incumbency, the incumbent must surrender all the registers and records under their control to the churchwardens, who must make them available to the next incumbent.
127. The churchwardens must maintain a full and complete inventory of all registers, records, legal documents and of all furniture, service books, and vessels belonging to the parish and must -
- 127.1. provide to the Registrar a copy of the inventory as it is updated from time to time; and

127.2. lodge all such registers, records and legal documents with the diocesan archives in accordance with any protocol or guideline issued by Bishop in Council under this Act.

### **Inspecting the condition of books and records**

128. The Archdeacon may inspect any books, registers, records or legal documents of a parish and report on their condition if required by the Bishop to do so.
129. Any information in a register or record of an act of public worship is open to public inspection if that information was available to a person attending that act of public worship.

## **PART 9 – TRANSITIONAL AND MISCELLANEOUS**

### **Repeal of *Parish Administration Act 1984***

130. The Parish Administration Act 1984 is repealed.

### **Continuation of existing parishes**

131. All parishes and parochial districts in existence as at the commencement date of this Act shall be taken to be parishes and parochial districts under this Act.

### **Power of Bishop in Council to authorise variations and departures**

132. Bishop in Council may by ordinary resolution and subject to its ordinary processes authorise a variation or departure from the obligations of a parish or parochial district in Parts 3, 4 and 5 of this Act.
133. The power contained in section 132 will be exercised -
- 133.1. on application by the parish council; and
  - 133.2. having regard to the purposes and objectives of this Act;
134. Any variation or departure authorised by Bishop in Council under section 132 will be -
- 134.1. for a specified period not longer than 12 months;
  - 134.2. capable of being reauthorised for a further period if Bishop in Council considers it appropriate having regard to the purposes and objectives of this Act

### **Power of Bishop in Council to make or amend protocols and guidelines**

135. Bishop in Council may by ordinary resolution and subject to its ordinary processes -

- 135.1. approve any protocol or guideline regarding the way in which any person or body holding office under this Act is to exercise their powers or perform their functions; and
  - 135.2. amend or revoke any protocol or guideline previously made under section 135.1.
136. The power of the Bishop-in-Council set out in section 135 above may only be exercised if -
- 136.1. notice of the proposed protocol or guideline has been given to all parishes no less than 28 days prior to the date on which Bishop-in-Council proposes to adopt, amend or revoke; and
  - 136.2. Bishop-in-Council has received and considered any submissions or comments made by or behalf of any parish or interested person.

## **Part 9 - SCHEDULES**

- 137. Schedule 1 has effect.

# SCHEDULE 1

## Parish Electoral Roll Declaration

*Full name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

\_\_\_\_\_ *Postcode:* \_\_\_\_\_

*Date of birth:* \_\_\_\_\_

*Telephone:* \_\_\_\_\_

*Email:* \_\_\_\_\_

I, \_\_\_\_\_, wish to be enrolled on the  
Electoral Roll of the Anglican Parish of \_\_\_\_\_

I declare that:

- (a) I am not less than eighteen years (18) old;
- (b) I have been baptised;
- (c) I am a communicant member of the Anglican Church;
- (d) I am not on the Electoral Roll of another Anglican Parish; and
- (e) I am a regular worshipper in this Parish.

Signed: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_