

PARISH GOVERNANCE STATUTE 2016

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PART 1 - PRELIMINARIES

1 Short Title

- 1.1 This Statute may be cited as the "Parish Governance Statute 2016".

2 Repeal

- 2.1 The Ordering of Worshipping Communities Statute 2007, The Extra- Parochial Statute 1922-1923, The Declarations Statute 2007, Synod Elections Statute 2007 and Assessments Statute 1974 are repealed. Such repeal will not affect or invalidate any act done or commenced, or any appointment made under or by virtue of the repealed statute, and all persons elected or appointed under the repealed statute and holding office at the passing of this Statute will remain in office as if this Statute had been in force at the time they were elected or appointed and this Statute will apply to them.

3 Interpretation

- 3.1 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute provided that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:
- ACF** means the Anglican Community Fund (Inc);
- allied ministry** means ministry in a Church agency or other institution or organisation, including a university, school, hospital, correctional facility, detention centre, industrial workplace, the Australian Defence Force or field of ministry other than a parish;
- allied ministry clergy** means chaplains and other clergy appointed to serve in allied ministry;
- annual meeting** means an annual meeting of enrolled members; or a meeting called under the mandate of the Archbishop to conduct the business of an annual meeting;
- Auditor** means a person qualified to conduct audits;
- basis of association** means the reason for existence including, but not limited to, common language, common cultural heritage, and association with an institution such as a Church school or a hospital;
- Church agency** means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, the Trustees or Diocesan Council and includes all Church schools;
- Church building** means a building which is set apart for the worship of Almighty God, according to the use of the Anglican Church or a building licensed by the Archbishop for such worship. Where there is no such building the

usual place of meeting for worship shall be the Church building within this definition;

Church school means a school or other school or educational institution within the meaning of section 1(1)(f) of The Constitution Act of the Diocese of Perth 1871 as well as a Provincial school within the Diocese, which is affiliated with the Church;

clergy means the Archbishop, priests and deacons of the Anglican Church or of any other church in communion with the Anglican Church;

Diocesan Registrar means the person appointed by the Archbishop to keep the register of official records of the Diocese;

Diocesan Secretary means the person appointed by the Trustees as Secretary in accordance with the Trustees Statute 2016 or acting as Secretary for the time being;

Electorate means a parish entitled to elect lay members of Synod; and “their Electorate” when referring to a lay member of Synod, or an enrolled member means a parish in which they are enrolled;

enrolled member means a person whose name appears on the electoral roll of a parish in accordance with this Statute;

Independent Examiner means a person who has been certified by the Diocesan Secretary as having the requisite ability and practical experience to carry out a competent examination of the accounts of the parish;

parish means a geographical body of members of the Church gathered together and established in accordance with this Statute;

parish council means the authoritative administrative body of a parish;

Rector means the member of the clergy duly licensed by the Archbishop, without limitation, to perform the duties of a Rector as prescribed by the Clergy Appointments and Licensing Statute;

Returning Officer means the Rector or other chairperson of a meeting of enrolled members or of parish council for the purposes of all nominations, voting and elections;

Reviewer means an accountant qualified to perform independent reviews of accounts;

stipend means the base stipend as determined by Diocesan Council annually in relation to clergy entitlements following the recommendations made by the provincial stipends committee of Provincial Council; and

Treasurer means the treasurer of a parish council.

4 Application of Statute and Diocesan policies

4.1 Diocesan Council may make or adopt policies for the establishment, alteration and regulation of parishes.

4.2 Parishes must comply with this Statute and related policies unless Diocesan Council provides otherwise.

PART 2 - ORGANISATION OF THE DIOCESE INTO PARISHES

5 The Diocese

5.1 The Diocese is the unit of organisation of the Church.

5.2 The Diocese may create parishes for the advancement of the diocesan ministry and mission.

5.3 The Trustees hold the title and responsibility for all properties, funds, assets and liabilities of the Diocese and its parishes.

6 Parishes

6.1 Parishes are established and governed in accordance with this Statute for the purpose of:

- (a) participating in regular worship;
- (b) the ministry of the Word and Sacraments; and
- (c) the mission of the Diocese.

6.2 Each parish defines both a sphere of mission and an area of pastoral responsibility and may comprise one or more congregations.

6.3 Diocesan Council may from time to time declare by resolution that any buildings or institutions such as a university, school, hospital, correctional facility, detention centre, industrial workplace, or public, charitable or other institution or organisation or cemetery which may be situated within a parish shall be excluded from that parish. Any buildings, institutions or cemetery referred to in such resolutions shall be deemed to be outside the limits of the parish.

6.4 Diocesan Council shall not make a resolution in relation to the exclusion of buildings, institutions or cemeteries from a parish until the member of clergy and wardens of that parish have been notified in writing of the proposal to take such action and have been given the opportunity to express their opinion on the proposed exclusion.

6.5 Diocesan Council may from time to time by resolution declare that any such building, institution or cemetery shall cease to be excluded from that parish.

6.6 Allied ministry clergy may be licensed and seconded to allied ministry within the boundaries of a parish, acting independently of that parish, but with recognition of the ministry of that parish.

6.7 The Archbishop must appoint for each parish a member of the clergy to perform for it the duties of a Rector as prescribed by this Statute. The member of the clergy may be allied ministry clergy of an allied ministry connected with the parish.

7 Authorisation of experimental or emerging expressions of Church life

7.1 Diocesan Council with the assent of the Archbishop may:

- (a) authorise experimental and emerging expressions of Church life that do not meet the full requirements of this Statute for a geographical parish. In the case of communicant members of the Church who share a basis

- of association, rather than a geographical location, all those communicant members must sign the application for consideration by Diocesan Council; or
- (b) establish the experimental or emerging expression of Church and declare its basis of association, together with the archdeaconry and deanery to which it will belong and any other matter concerning its ordering; and
 - (c) if deemed appropriate, recognise an experimental or emerging expression of Church life as an entity for the purposes of sections 1(g) or 1(h) of The Constitution Act of the Diocese of Perth 1871.
- 7.2 Every declaration made by Diocesan Council under section 7.1 must be under the hand and seal of the Archbishop and is conclusive evidence of such basis of association.
- 7.3 The designation, terms, conditions and duration of the authorisation are at the discretion of Diocesan Council with the assent of the Archbishop.
- 7.4 The office bearers and communicant members must give an undertaking that they agree to obey the Diocesan statutes and policies and will act at all times with respect for any geographical parish in which they meet or minister.
- 7.5 Diocesan Council with the assent of the Archbishop may provide guidelines for the development and review of experimental or emerging expressions of Church life.
- 7.6 After consultation with the office bearers or other leaders of the experimental or emerging expression of Church life, the Archbishop may revoke its authorisation.

8 Naming of parishes

- 8.1 Where it is appropriate, each parish is to be designated by the locality of the principal church within it or by the principal town or suburb, subject to the approval of Diocesan Council with the assent of the Archbishop.
- 8.2 Each church is to be dedicated in the name of a saint, holy person or other commemoration set out in an approved calendar of the Church, subject to the approval of Diocesan Council with the assent of the Archbishop.

9 Grouping of parishes

- 9.1 Parishes may, with the approval of the Archbishop, Diocesan Council and of each parish council concerned, be grouped for the sharing of resources for ministry and mission, strategic planning and co-operation.
- 9.2 A committee made up of representatives of each parish in the group may be established to facilitate the co-operation of those parishes without displacing the role of their own parish councils.
- 9.3 The Archbishop may appoint a priest or other minister to serve such a grouping of parishes.

PART 3 – ESTABLISHMENT OF A NEW PARISH

10 Establishment of a new parish

- 10.1 Diocesan Council with the assent of the Archbishop may of its own initiative or on the application of members of the Church establish a new parish.
- 10.2 An application to establish a new parish must include:
- (a) the proposed geographical boundaries of the parish;
 - (b) a list of the communicant members seeking to establish the new parish who live within the proposed boundaries;
 - (c) the particulars of any Church building, rectory or other property that would be under the control of the proposed parish and the particulars of any proposals for the purchase, leasing or construction thereof; and
 - (d) an undertaking by those communicant members that they agree to obey the statutes of Synod and policies of the Diocese.
- 10.3 Diocesan Council must consult with any other parish that it considers may be directly affected by the establishment of the proposed new parish.
- 10.4 If Diocesan Council with the assent of the Archbishop is satisfied that there is a need for the proposed parish, it may establish the new parish and declare:
- (a) its boundaries; and
 - (b) that the communicant members on the list in section 10.2(b) shall be the enrolled members of that parish (and no other parish) as at the date of establishment of the new parish.
- 10.5 Diocesan Council must report such establishment to the next session of Synod.
- 10.6 Every declaration made by Diocesan Council under section 10.4 must be under the hand and seal of the Archbishop and is conclusive evidence of such boundaries.
- 10.7 Following the establishment of a new parish, the Archbishop must call a special meeting of the enrolled members of the new parish and issue a mandate for the election of its office bearers and transact any other business that could be transacted at an annual meeting.

PART 4 – THE PARISH COUNCIL AND PARISH OFFICERS

11 Composition of the parish council

- 11.1 The parish council is the authoritative administrative body of a parish.
- 11.2 Subject to the provisions in Part 15 of this Statute, every parish must have a council comprising:
- (a) the Rector;
 - (b) any other clergy licensed to work in the parish;
 - (c) two or three wardens;
 - (d) not fewer than four councillors and not more than eight councillors including a secretary and treasurer

- (refer section 14.1), and
- (e) the parish's lay members of Synod, who may also hold office as wardens or councillors.
- 11.3 Retired clergy and other clergy not licensed to work in the parish are not eligible for election or appointment to the parish council except on the recommendation of the Rector and with the written approval of the Archbishop.
- 11.4 Where a parish and allied ministry establish a partnership under this Statute, the parish council may co-opt up to two senior officers of the allied ministry.
- 11.5 In the case of a Church school, the senior officers co-opted are normally to be either the Principal or the senior chaplain or both.
- 11.6 Such co-opted members of the parish council have a right of proposition and a right to vote provided that they are communicant members of the Church.
- 11.7 The term of office for members co-opted under this section is until the end of the annual meeting subsequent to their being co-opted. They are then again eligible to be co-opted.
- 11.8 If a co-opted member retires or otherwise ceases employment with the allied ministry in that place, the co-opted member shall be deemed to have retired from the parish council at the same time. The parish council may co-opt a replacement for the retired member if it deems it necessary or expedient to do so.
- 12 The Wardens**
- 12.1 Wardens must at the time of their nomination and throughout their term of office be lay enrolled members of the parish and not be a warden for any other parish.
- 12.2 Wardens must have attained the age of eighteen years.
- 12.3 A warden must not be a parent, sibling, spouse, partner or child of the Rector or of another warden.
- 12.4 Not more than two wardens are to be elected at the annual meeting.
- 12.5 One warden is to be appointed by the Rector.
- 12.6 The term of office for the wardens is until the end of the annual meeting subsequent to their election or appointment.
- 12.7 A warden may not hold the position of Treasurer except with the permission of Diocesan Council.
- 13 The councillors**
- 13.1 Councillors must at the time of their nomination and throughout their term of office be lay enrolled members of the parish.
- 13.2 Councillors must have attained the age of sixteen years.
- 13.3 Subject to the provisions in Part 15 of this Statute, the number of councillors is to be determined by the annual meeting.
- 13.4 Three-fourths of the councillors are elected by the annual meeting.
- 13.5 The remaining councillors are appointed by the Rector.
- 13.6 The term of office for the councillors is until the end of the annual meeting subsequent to their election or appointment.
- 14 Secretary and Treasurer**
- 14.1 Subject to the provisions in Part 15 of this Statute, parish council must from among its own number elect a secretary and a Treasurer at the first meeting of parish council following the annual meeting.
- 14.2 The Rector may not be elected secretary or Treasurer.
- 14.3 In order to be eligible for the office of Treasurer or secretary, a parish Councillor must have attained the age of eighteen years.
- 14.4 A secretary or Treasurer remains in office until the end of the meeting of parish council where a new secretary or Treasurer is elected.
- 15 Lay members of Synod**
- 15.1 Subject to the provisions in Part 15 of this Statute, every parish must elect two lay members of Synod at its annual meeting:
- (a) in the general election year of 2022; and
- (b) every third year thereafter.
- 15.2 The term of office for lay members of Synod is until the end of the annual meeting held in the general election year subsequent to their election or appointment.
- 15.3 The Archbishop must issue a mandate for a general election of lay members of Synod in the month of March in each general election year.
- 15.4 The mandate must be sent to the Rector of every parish, and must be accompanied by:
- (a) a copy of the certificate for the return of election results prescribed by Schedule 6;
- (b) a copy of the declaration required to be signed by elected members; and
- (c) a copy of this Statute.
- 15.5 Lay members of Synod must at the time of their nomination, appointment and throughout their term of office:
- (a) be lay enrolled members of their parish; and
- (b) not otherwise be a member of Synod, whether by:
- (i) election by another Electorate;
- (ii) appointment by Diocesan Council; or
- (iii) any other means except election or appointment by the parish for which they are nominating.
- 15.6 If an annual meeting or a special meeting of enrolled members mandated to elect lay members of Synod does not

fill an office, whether due to an insufficiency of nominations or any other cause, it is deemed vacant.

- 15.7 The office of a lay member of Synod becomes vacant:
- (a) as prescribed by the Constitution; or
 - (b) if the lay member of Synod is absent from each of three consecutive meetings of the parish council of their parish without leave of absence granted by resolution of that parish council.
- 15.8 The Diocesan Registrar must notify the appropriate Rector that a lay member of Synod has resigned.
- 16 Archbishop may disallow**
- 16.1 The Archbishop has the right to disallow the appointment or election under this Statute of any person and is not required to give an explanation.
- 17 Suspension or removal of parish council**
- 17.1 Where the parish council refuses to carry out its duties or where some other serious cause is hindering the work of a parish, Diocesan Council may with the assent of the Archbishop after due enquiry by the assistant bishop or archdeacon responsible for that parish, and with notice to the parish council, suspend or remove the parish council and request the Archbishop to make alternative arrangements for conducting work in that parish, and the Archbishop may do so.

PART 5 – PARISH COUNCIL MEETINGS

- 18 Convenor and chairperson of parish council meetings**
- 18.1 The Rector is the convenor and chairperson of parish council meetings unless:
- (a) the Rector appoints in writing another member of the parish council either to convene or to chair its meetings, or both. Such appointment ceases upon the Rector:
 - (i) withdrawing such an appointment by written notice to the appointee; or
 - (ii) ceasing to hold office; or
 - (b) with the consent of the Rector, the parish council resolves to elect another member of the parish council to chair its meetings. Such person holds the office of chairperson until the earliest of the following events occurs:
 - (i) the next annual meeting;
 - (ii) the Rector withdraws consent or ceases to hold office; or
 - (iii) the parish council determines otherwise.
- 18.2 Notwithstanding the provisions of section 18.1, an ordinary or special parish council meeting may be convened and/or chaired by the Archbishop, a person appointed by the Archbishop, or the archdeacon.
- 18.3 The chairperson of a parish council meeting is to:
- (a) conduct the business of the meeting until it is concluded, or until the meeting is adjourned;
 - (b) have an original and a casting vote;
 - (c) confine the meeting to the purpose or purposes for which it is assembled; and
 - (d) decide all questions of order.
- 19 Parish council meetings: other provisions**
- 19.1 The convenor is to give every member of the parish council four clear days' notice of a meeting unless:
- (a) the parish council resolves otherwise; or
 - (b) the Rector and wardens agree that a matter of urgency requires that a meeting be held on short notice.
- 19.2 The parish council must meet at least quarterly at such times and places as the Rector and parish council determine.
- 19.3 Parish council meetings may be conducted by electronic means including but not limited to teleconferencing and video conferencing.
- 19.4 The Archbishop, a person appointed by the Archbishop and the archdeacon may attend and participate in any meeting of the parish council.
- 19.5 The quorum for a parish council meeting is one third of the total number of positions on the parish council, whether vacant or not, and must include at least one of:
- (a) the Archbishop or a person appointed by the Archbishop;
 - (b) the archdeacon;
 - (c) the Rector or one of the clergy licensed to work in the parish; or
 - (d) a warden.
- 19.6 Minutes must be taken of every parish council meeting and kept in a minute book.
- 19.7 Except where the chairperson at the chairperson's absolute discretion considers a matter before the parish council to be of a confidential nature and:
- (a) the parish council passes a resolution; or
 - (b) the chairperson makes a ruling to that effect,
- any enrolled member of the parish who is not a member of the parish council may attend a meeting or meetings of the parish council and may be invited by the chairperson to speak on any matter under consideration but may not vote or propose any matter. The chairperson may request a person who is not a member of parish council to leave a meeting of parish council at any stage of proceedings.
- 20 The first meeting of the parish council**
- 20.1 The parish council must meet within 28 days of the annual meeting.
- 20.2 At its first meeting or as soon after it as is convenient the parish council must:

- (a) review and if necessary, revise the minutes of the annual meeting;
 - (b) fill any vacancies remaining after the annual meeting that an annual meeting is competent to fill;
 - (c) elect a secretary and a Treasurer from among their number (see section 14.1); and
 - (d) authorise between three and five signatories to its accounts who must be members of the parish council.
- 20.3 The parish council may elect a new secretary or Treasurer (other than the Rector) and change its authorised signatories as required from time to time.
- 20.4 The Rector or secretary must, within thirty days after any election, appointment or change of office bearers:
- (a) notify the Diocesan Registrar of the names of the officers elected or appointed;
 - (b) in the case of lay members of Synod issue a certificate in the form of Schedule 6; and
 - (c) see to it that all elected or appointed persons have signed the declarations prescribed by this Statute.
- 21 Special meetings of the parish council**
- 21.1 A special meeting of the parish council is to be convened:
- (a) at the Rector's discretion;
 - (b) at the request of all of the wardens;
 - (c) at the request of a majority of the members of the parish council;
 - (d) at the discretion of the Archbishop or the Archbishop's nominee; or
 - (e) at the discretion of the archdeacon.
- 22 Parish council proceedings not to be invalidated**
- 22.1 No proceedings of a parish council are invalidated or made illegal in consequence of any vacancy in the parish council, whether arising from:
- (a) failure to elect or appoint the full complement of members of the parish council; or
 - (b) any other cause.

PART 6 - MEETINGS OF ENROLLED MEMBERS

- 23 Convenor and Chairperson**
- 23.1 The Rector is the convenor and chairperson of meetings of enrolled members.
- 23.2 The convenor, in consultation with the wardens, is to determine the date, time and place at which any meeting of enrolled members is to be held.
- 23.3 The Rector:
- (a) must conduct the business of the meeting until it is concluded, or until the meeting is adjourned;
 - (b) may vote and must exercise a casting vote if required;
 - (c) must confine the meeting to the purpose(s) for which it is assembled; and
 - (d) must decide all questions of order.
- 23.4 Where there is no Rector, the Archbishop or some other person appointed by the Archbishop is to:
- (a) be the convenor and chairperson of meetings of enrolled members; and
 - (b) make the appointments to the parish council that would otherwise be made by the Rector at such meeting of enrolled members.
- 24 Notice of Meeting**
- 24.1 Notice of a meeting of enrolled members must be given as follows:
- (a) during every service on all Sundays and during every weekly service held for the parish for four weeks before the day of the meeting; or
 - (b) if no such service is to be held during the period of notice then in writing to all enrolled members four weeks before the day of the meeting.
- 24.2 The convenor is to determine the form in which notice is given, and the notice must include:
- (a) the date, time and place at which the meeting is to be held; and
 - (b) the purpose or purposes for the meeting.
- 24.3 The proceedings of a meeting of enrolled members are not invalidated because of any failure to give notice in the manner prescribed unless the parish council:
- (a) is of the opinion that the irregularity has caused or may cause substantial injustice that cannot be remedied by a resolution of the parish council; and
 - (b) passes a resolution declaring the proceedings to be invalid.
- 25 Limitation of business**
- 25.1 The business considered at a meeting of enrolled members must be limited to matters which such a meeting is permitted to deal with under this Statute and of which notice has been given as prescribed by this Statute.
- 25.2 Nothing may be done by a meeting of enrolled members that interferes with the authority of the Archbishop, the rights of the Trustees, the rights of Diocesan Council, the proper functions of the Rector or the powers of the parish council.
- 26 Eligibility to vote**
- 26.1 Subject to section 26.2, the following people are eligible to vote and have a right of proposition at meetings of enrolled members:
- (a) the Rector;
 - (b) every member of the clergy licensed to work in the parish; and
 - (c) every enrolled member.

- 26.2 In the case of the election of lay members of Synod, only the enrolled members of the parish are entitled to vote.
- 26.3 If a person's eligibility to vote is challenged at a meeting of enrolled members, then the chairperson determines whether that person is eligible, and the chairperson's decision is final.

27 Quorum

- 27.1 The quorum for a meeting of enrolled members comprises:
- (a) the Rector or chairperson appointed under section 23.4;
 - (b) one warden; and
 - (c) one-fourth of the number of enrolled members.

28 Visitors

- 28.1 A meeting of enrolled members may give leave to any person who is not an enrolled member to attend the meeting and to address it.
- 28.2 Such a visitor may not vote nor has the right of proposition.
- 28.3 At the request of the meeting, the chairperson must order all visitors to withdraw from the meeting.

29 Adjournment

- 29.1 A meeting of enrolled members may vote to adjourn itself.

THE ANNUAL MEETING

30 Date of the Annual Meeting

- 30.1 The annual meeting must be held during the months of May or June each year.

31 Notice of Annual Meeting

- 31.1 In addition to the requirements of section 24, a written notice of the annual meeting must be posted on a notice board in the Church building and the relevant parish website. The notice must include:
- (a) a list of the vacancies to be filled by election at the annual meeting, including lay members of Synod, where this has been mandated by the Archbishop;
 - (b) the name of the Returning Officer to whom nominations are to be submitted;
 - (c) the date and time at which nominations will close;
 - (d) the date and time by which reports must be submitted to the convenor;
 - (e) the date and time, being not less than 14 days before the annual meeting, by which enrolled members may submit to the convenor items of business for consideration by the annual meeting. If the annual meeting is permitted under this Statute to consider such business, the convenor must include that business in the notice of the annual meeting for the remainder of the notice period and in the agenda for the annual meeting; and
 - (f) in each general election year for lay members of Synod, notice that enrolments on the electoral roll must be renewed on or after 1 March.

32 Nominations for election

- 32.1 Any two enrolled members may by signing a nomination form nominate any other person eligible for election as warden, Councillor, nominator of clergy, Auditor, Reviewer or Independent Examiner, lay member of Synod provided that the person so nominated gives their signed consent on the nomination form.
- 32.2 Nominations must be in the form prescribed by Schedule 2 or Schedule 5, as may be relevant.
- 32.3 The nomination form may include biographical details of the candidate to be made available to voters.
- 32.4 Nominations must be received by the convenor not less than six clear days before the date on which the election is to be held.

33 Agenda for the Annual Meeting

- 33.1 The business to be transacted at an annual meeting and its order is as follows:
- (a) Prayers;
 - (b) Recording of attendance and apologies;
 - (c) The chairperson reads to the meeting section 26 of this Statute and the declaration in the application for enrolment on the electoral roll in Schedule 1;
 - (d) The chairperson appoints two scrutineers for any voting or elections to occur;
 - (e) The minutes of the preceding annual meeting and any special meetings of enrolled members held since the preceding annual meeting are to be presented for confirmation and signed by the chairperson as correct records;
 - (f) Presentation and reception of reports as follows:
 - (i) The Rector's Report;
 - (ii) The Wardens' Report;
 - (iii) The Financial Report, which must include:
 - (A) audited, reviewed or examined statements of income and expenditure;
 - (B) a statement of assets and liabilities or at least a statement of uncollected revenue and outstanding liabilities; and
 - (C) a budget of anticipated income and expenditure for the ensuing financial year; and
 - (iv) Reports of groups conducting ministry within the parish.
 - (v) Such reports may be circulated at or prior to the annual meeting and tabled at the meeting.
 - (vi) Leave may be granted by the annual meeting for any person present to speak to any report so tabled;

- (g) Appointments and Elections: Subject to the provisions in Part 15 of this Statute, the following appointments and elections occur:
- (i) Wardens
 - (A) The annual meeting determines whether it will elect one or two wardens, and then proceeds to their election.
 - (B) The Rector appoints one warden and declares that appointment either at the annual meeting or at the earliest convenient time thereafter.
 - (ii) Councillors
 - (A) Subject to the provisions in Part 15 of this Statute, the annual meeting determines the number of councillors and then proceeds to elect three-fourths of that number of councillors.
 - (B) The Rector appoints the remaining councillors and declares those appointments either at the annual meeting or subsequent to it.
 - (iii) Lay members of Synod
If the Archbishop's mandate for a general election of lay members of Synod has been received, then their election proceeds.
 - (iv) Additional Clergy
The clergy appoint or elect the additional clergy.
 - (v) Auditor, Reviewer or Independent Examiner
The annual meeting elects an Auditor, Reviewer or Independent Examiner.
 - (vi) Nominators of Clergy
The annual meeting elects four nominators of clergy at least one of whom must be a warden.
- (h) Business that satisfies the requirements of section 25;
- (i) Questions, votes of thanks and similar courtesies; and
- (j) Closing prayers.

33.2 Voting and elections, where they are required, must be conducted as prescribed by Part 8 of this Statute.

34 Annual Meetings: other provisions

34.1 If for any reason the annual meeting is not held in accordance with sections 30 to 33 or if it fails to complete its business, then the Archbishop may direct that a special meeting of enrolled members be held to transact any business that could be transacted at an annual meeting.

34.2 The chairperson of the annual meeting or special meetings of enrolled members held pursuant to section 35.1 must, within thirty days after an election or appointment, notify the Diocesan Registrar of the names of the officers elected or appointed and certify that they have signed the declaration prescribed by this Statute.

SPECIAL MEETINGS OF ENROLLED MEMBERS

35 Convening Special Meetings

35.1 The Rector or the convenor appointed under section 18.1 must convene a special meeting of enrolled members either:

- (a) at the Rector's request after giving 28 days' notice; or
- (b) within 28 days of receipt by the Rector of a request subscribed by not less than ten enrolled members.

Such request:

- (i) must be in accordance with sections 24 and 25; and
- (ii) may be given or sent to the Rector either personally or through an agent.

PART 7 - PARISH ROLLS

36 Electoral Roll

36.1 An electoral roll for each parish must be compiled and maintained by the Rector and the secretary.

36.2 Any person who wishes to be enrolled must sign an application and declaration in the form prescribed by Schedule 1 and submit it to the Rector or the secretary, whereupon that person's name will be added to the electoral roll.

36.3 Either the Rector or the secretary may remove from the electoral roll the name of any person who does not comply with the declaration in Schedule 1.

36.4 The Rector or the secretary must remove the name of an enrolled member from the electoral roll of the parish upon receiving a written request from any such enrolled member and, if requested, give that person a written certificate that their name has been so removed.

36.5 In each general election year for lay members of Synod, all enrolments on the electoral roll must be renewed between 1 March and the date which is one month prior to the relevant annual meeting.

37 Pastoral Roll

37.1 In addition to the electoral roll, the Rector may keep a roll containing such information as is desirable for the mission and ministry of the parish.

37.2 The Rector and secretary must ensure that:

- (a) the privacy of enrolled members, parishioners and visitors is respected; and
- (b) the personal details or information in relation to enrolled members, parishioners or visitors is not published without the express written consent of those persons.

PART 8 – VOTING AND ELECTIONS

38 Voting

- 38.1 Motions before meetings of enrolled members or meetings of the parish council are determined by a simple majority of the members present and voting.
- 38.2 The chairperson of a meeting may vote and must exercise a casting vote if required.
- 38.3 Voting may be on the voices, by show of hands or by some other method at the discretion of the chairperson.
- 38.4 Any enrolled member present may call for a vote by secret ballot, whereupon the chairperson must place the matter in the hands of the scrutineers who conduct the ballot.
- 38.5 No person may vote as proxy for any enrolled member at a meeting of enrolled members.

39 Elections at Meetings of Enrolled Members

- 39.1 Where a ballot is required for an election, the procedure set out below applies.
- 39.2 The convenor of the meeting of enrolled members:
- (a) determines by random selection the order in which the names of the nominees appear on the ballot papers; and
 - (b) ensures that sufficient ballot papers are prepared.
- 39.3 Every enrolled member desiring to vote must obtain ballot papers from the scrutineers, who ensure that:
- (a) only eligible persons receive ballot papers; and
 - (b) no person receives more than one set of ballot papers.
- 39.4 Enrolled members exercise their vote by:
- (a) marking their ballot papers with a cross (x) opposite the name of any nominee for whom they wish to vote; and
 - (b) placing their ballot papers in the ballot box designated by the scrutineers.
- 39.5 A ballot paper will be invalid if the number of nominees voted for exceeds the number of vacancies to be filled.
- 39.6 The scrutineers may treat a mark which is not a cross (x) opposite the name of a nominee as a vote received by the nominee if the scrutineers consider the intention of the enrolled member to vote for the nominee is clear.
- 39.7 After all enrolled members have had a reasonable opportunity to vote, the scrutineers:
- (a) count the number votes received by each nominee; and
 - (b) certify to the chairperson the number of votes that each nominee received.
- 39.8 The chairperson declares elected, those nominees who received the greatest number of votes.
- 39.9 If there is a tie, the chairperson must exercise a casting vote and may do so by random selection.
- 39.10 The meeting of enrolled members may continue with any business on its agenda that does not depend on the outcome of the ballot, and the result of the ballot may be declared at some convenient time after the meeting.

40 Elections by the parish council

- 40.1 Parish council elections may be conducted by such method as the parish council determines.

41 Publication of election results

- 41.1 The Rector must ensure that the results of all elections and appointments of office bearers are published in writing. This may be done by:
- (a) a notice displayed on a notice board accessible to the parish;
 - (b) inclusion in a newsletter of the parish; or
 - (c) any other means appropriate to the parish.

42 Returning Officer to decide objections

- 42.1 The Returning Officer decides all questions concerning the validity of votes and the manner of conducting ballots and elections not otherwise provided by Statute. The Returning Officer's decision is final.

43 Notice of objection

- 43.1 Any enrolled member may object to the validity of an election held in their parish under this Statute.
- 43.2 The objection must:
- (a) be in writing and signed by the enrolled member making the objection;
 - (b) be addressed to the Diocesan Registrar;
 - (c) state the reason for the objection;
 - (d) declare that a copy of it has been sent to the Returning Officer concerned; and
 - (e) be received by the Diocesan Registrar within twenty-one days of the election result being declared.

44 Consideration of the objection

- 44.1 The Returning Officer, upon receipt of a copy of the objection, must:
- (a) write a response to the objection; and
 - (b) send the response to the Diocesan Registrar within seven days.
- 44.2 At the next meeting of Diocesan Council after the election, the Diocesan Registrar must present all objections complying with the requirements of section 43 and the responses to them of the Returning Officers concerned.
- 44.3 Diocesan Council with the assent of the Archbishop determines whether the election was valid or invalid, and that decision is final.

45 Invalid elections

- 45.1 If Diocesan Council with the assent of the Archbishop determines that the election was invalid, then the Archbishop issues a mandate for a second election.
- 45.2 If upon objection the second election is found to be invalid, then the Archbishop makes appointments to fill the

vacancies.

PART 9 - VACANCIES AMONG OFFICE BEARERS

46 Election results not reported, or declaration not signed

46.1 If within thirty days of the election or appointment of any office bearer:

- (a) the election or appointment is not reported to the Diocesan Registrar in accordance with section 20.4; or
- (b) the office bearer fails to sign any declaration required by this Statute, then the office held by that office bearer is deemed vacant.

47 Office not filled at the Annual Meeting

47.1 If any appointed or elected office that could have been filled at the annual meeting or at a special meeting of enrolled members was not filled, whether due to an insufficiency of nominations or any other cause, it is deemed vacant.

48 Office vacated by resignation, death, absence, removal etc.

48.1 Any elected or appointed member of the parish council, the Auditor, Reviewer or Independent Examiner, the secretary or the Treasurer may resign from office by notice in writing signed and sent to the Rector upon receipt of which that person's office becomes vacant.

48.2 Lay members of Synod may resign from office by notice in writing signed and sent to the Diocesan Registrar¹, upon receipt of which their office becomes vacant.

48.3 In addition to the provisions of sections 49 and 50, the office of any elected or appointed member of the parish council becomes vacant by:

- (a) the death of that person;
- (b) that person ceasing to be an enrolled member of the parish; or
- (c) that person being absent from each of three consecutive meetings of the parish council without leave of absence granted by resolution of the parish council.

48.4 In addition to the provisions of section 49, the office of Auditor, Reviewer or Independent Examiner becomes vacant:

- (a) by the death of the Auditor, Reviewer or Independent Examiner; or
- (b) when the Auditor, Reviewer or Independent Examiner fails to act and the parish council so resolves.

48.5 Diocesan Council with the assent of the Archbishop may by resolution after due inquiry remove from office any appointed or elected member of the parish council, an Auditor, Reviewer or Independent Examiner, a secretary or a Treasurer who is considered by Diocesan Council to be unfit for any cause to continue in office, and that person's office thereupon becomes vacant.

48.6 Such person must first be afforded an opportunity of stating in the presence of the Archbishop or Diocesan Council any objection they may have to such removal.

49 Office bearers subject to criminal proceedings

49.1 Any person appointed or elected to any office under the terms of this Statute who is charged with an indictable criminal offence shall be suspended from exercising that office until such time as the proceedings have been concluded unless Diocesan Council with the assent of the Archbishop determines otherwise.

49.2 Any office bearer who is found guilty of an indictable criminal offence shall no longer hold that office which thereupon becomes vacant unless Diocesan Council with the assent of the Archbishop determines otherwise.

50 Filling of vacancies

50.1 Vacancies in the offices of parish council and lay members of Synod must be filled as prescribed below.

50.2 Vacancies are filled for the remainder of the term of the vacant office.

50.3 If the number of vacancies in the parish council is such that there cannot be a quorum, then the Archbishop may:

- (a) direct that a special meeting of the enrolled members be held to fill the vacancies; or
- (b) make appointments to fill some or all of the vacancies and must within thirty days after making such appointments notify the Diocesan Registrar of the names of the officers appointed and certify that they have signed the prescribed declaration.

50.4 If the office of any appointed or elected member of the parish council, Auditor, Reviewer or Independent Examiner, secretary or Treasurer is vacant then it is filled as follows:

- (a) the Rector appoints a person to fill any vacancy in a position appointed by the Rector, and notifies the parish council of the appointment at its next meeting;
- (b) the clergy meet to elect one of their number to fill a vacancy for an elected additional clergy person; and
- (c) the parish council fills any other vacancies.

50.5 A vacancy in the office of lay member of Synod is filled by the relevant parish council appointing an eligible person as lay member of Synod to represent the parish.

50.6 Should an elected or appointed lay member be unable to attend a sitting of Synod, parish council may appoint a member to attend that sitting of Synod in lieu of the elected or appointed lay member.

50.7 If the parish council does not fill a vacancy within three months of it occurring, then the Archbishop must issue a mandate for an election to fill the vacancies either:

- (a) at the next annual meeting, in which case the mandate must be issued before April of the year in which the

¹ Amended to be consistent with section 15.8

- annual meeting is to be held; or
 - (b) at a special meeting of enrolled members, in which case the mandate specifies the date and time of the meeting, having regard to the requirements for notice of meeting and the place at which the meeting will be held.
- 50.8 The Rector must within thirty days after an appointment or election is made (other than an appointment made by the Archbishop) notify the Diocesan Registrar of the names of the officers elected or appointed and certify that they have signed the prescribed declaration.

PART 10 - INELIGIBILITY FOR OFFICE

51 Office of profit or a contract to disqualify

- 51.1 No person holding any paid position of the parish or lay person being under contract to perform any work for the parish is eligible for the office of warden, Councillor, Auditor, Reviewer or Independent Examiner for such parish, unless a resolution declaring the person to be eligible has been first passed by either a meeting of enrolled members or a meeting of the parish council.
- 51.2 No person holding the office of warden, Councillor, secretary or Treasurer may undertake any paid position of the parish or enter into any contract until the person has resigned from that office, unless the parish council resolves otherwise.

PART 11 - DECLARATIONS

52 Witness to declarations

- 52.1 All declarations made under this Statute must be made and signed in the presence of:
- (a) the Returning Officer responsible for the election or appointment; or
 - (b) a person appointed for the purpose by the Archbishop.

53 Failure to make a declaration

- 53.1 The office of any person who fails to make a required declaration within thirty days of their election or appointment is deemed vacant.
- 53.2 Any office becoming vacant is filled by the means provided under Statute for the filling of a vacancy in that office.

54 Access to Statutes

- 54.1 Every person required to make a declaration under this Statute must first be given the opportunity to read the statutes of Synod.
- 54.2 Three copies of the statutes of Synod are to be held by the secretary of every parish council, and made available to:
- (a) parish office bearers;
 - (b) lay members of Synod;
 - (c) lay employees; and
 - (d) enrolled members.

55 Lay officers

- 55.1 Any lay person elected or appointed to an office under this Statute must subscribe the declaration in Schedule 3 or Schedule 4 as may be relevant.
- 55.2 The declarations made under section 55.1 are retained by the Rector.
- 55.3 In addition to the requirements of section 55.1, lay members of Synod must subscribe the declaration in Schedule 3, and such declaration must be sent to the Diocesan Registrar by the Rector, or provided to the Diocesan Registrar immediately prior to the sitting of Synod which an appointed lay member is attending in lieu of an elected lay member.

PART 12 – RIGHTS AND RESPONSIBILITIES

56 Rights and responsibilities of the Rector

- 56.1 The Rector is to have the custody of:
- (a) all parish registers and records;
 - (b) all vessels used in the celebration of Holy Communion; and
 - (c) all vestments and linen.
- 56.2 The Rector is responsible for:
- (a) the ordering of worship, the administration of the sacraments and the due performance of all other rites and ceremonies of religion according to the order and use of the Church;
 - (b) providing leadership to the parish in promoting the mission of the church;
 - (c) recording all services in a service register; and
 - (d) recording in appropriate registers the names and other relevant details of all people who receive the rites of baptism, confirmation, marriage, funeral rites or any other rite conducted in the parish and any funerals conducted by or on behalf of the Rector in the parish or elsewhere.
- 56.3 The wardens are responsible for the custody of the items referred to in section 56.1 and for the maintaining of the records and registers if there is no Rector.
- 56.4 The Rector must surrender the records of the parish in accordance with the Records and Archives Statute 1996.
- 56.5 The Rector is to have keys and free access to all buildings and property of the parish not let, leased or otherwise

set aside for the exclusive use of others, and may enter them at any time.

56.6 The Rector may use the buildings and property of the parish not let, leased or otherwise set aside for the exclusive use of others as set out below:

- (a) Church buildings: The Rector may perform the acts set out in section 71.1 in any church of the parish, without hindrance from any person.
- (b) The rectory: The rectory is the Rector's home and the Rector has unrestricted use of the rectory, its gardens, its grounds and its fixtures and fittings.
- (c) Other buildings: The Rector may use any other buildings and property of the parish not let, leased or otherwise set aside for the exclusive use of others for such purposes of the parish as the Rector thinks fit.

56.7 The Rector is to have reasonable access to all accounting records.

57 Appointment of paid and unpaid staff

57.1 The Rector may from time to time appoint volunteers to unpaid positions within the parish, including:

- (a) organists, directors of music and members of the choir;
- (b) teachers of the Sunday school or leaders of any other children's ministries; and
- (c) leaders of youth ministries,

who shall remain subject to the Rector's control and direction and may be dismissed by the Rector with the assent of the wardens. The volunteers will be subject to the relevant Statutes and policies of the Diocese.

57.2 With the assent of parish council, the Rector may recommend to the Diocesan Secretary the appointment or dismissal of paid lay employees as may be required to support the ministry or administration of the parish.

57.3 If such recommendation is accepted by the Diocesan Secretary, such persons:

- (a) will be engaged by the Trustees as Diocesan employees and remunerated through the Diocesan payroll;
- (b) will be employed in accordance with, and be subject to, the Statutes, policies and procedures of the Diocese;
- (c) remain subject to the Rector's control and direction; and
- (d) may be dismissed by the Trustees on the recommendation of the Rector and parish council, subject to the Statutes, policies and procedures of the Diocese and any applicable government legislation.

58 Duties of the wardens

58.1 Subject to section 59.2 the wardens must:

- (a) generally, with the Rector give leadership to the congregation in promoting the mission of the Church;
- (b) in conjunction with the Rector furnish to the Diocesan Registrar any returns that may be called for by Diocesan Council;
- (c) ensure that the parish has paid all insurance premiums as required by the Trustees under insurance policies arranged by the Trustees to keep all Church buildings, furniture and other property of which the parish is the beneficial owner sufficiently insured;
- (d) see that an appropriate risk management plan for the parish is in place;
- (e) ensure that any Diocesan Council policies which relate to parishes are implemented;
- (f) report promptly to the parish council all repairs required in the fabric and furniture of the church, rectory or any other building of the parish;
- (g) keep an inventory of all goods and movable property belonging to the parish and on demand hand it over to their successors;
- (h) report to the Archbishop any grave irregularities in the performance of worship, any wilful neglect of duty or any flagrant misconduct on the part of the Rector;
- (i) report to the Archbishop any clerical vacancy occurring in the parish;
- (j) see that no person officiates without the Archbishop's licence and inform the Archbishop immediately if anyone proposes to officiate as a member of the clergy whose name does not appear in the clergy list in the last published on the official website of the Diocese, or who does not produce the Archbishop's licence; and
- (k) attend the Archbishop on official visits to the parish.

59 Duties of the parish council

59.1 The parish council must:

- (a) support the Rector in the promotion of the mission of the Church;
- (b) generally, assist the wardens in the discharge of their duties;
- (c) advise in all matters referred to them by Diocesan Council;
- (d) exercise responsibility for the maintenance and repair of all properties of which the parish is the beneficial owner, as may be required by the Trustees or pursuant to any policies of the Diocese;
- (e) maintain good stewardship of all collections, rents and other money belonging to the parish, all money received from the Trustees, and all other money collected under the authority of the parish council;
- (f) ensure the remittance by monthly direct debit to the Trustees of the clergy stipend and entitlements together with salaries and entitlements for any lay ministry workers and lay staff working in that parish in the amounts agreed with the Diocesan Secretary;
- (g) authorise and pay for all works and measures necessary for the welfare of the parish;
- (h) ensure that the Church building, rectory and other buildings, furniture and equipment of the parish are properly maintained and insured;
- (i) ensure that:

- (i) the parish accounts are made up and closed on the thirtieth day of April in each year;
 - (ii) the following documents are laid before the next annual meeting:
 - (A) audited, reviewed or examined statements of income and expenditure for the financial year;
 - (B) a statement of assets and liabilities, or at least a statement of uncollected revenue and outstanding liabilities, at the end of the financial year; and
 - (C) a budget of anticipated income and expenditure for the ensuing financial year;
 - (iii) details of audited, reviewed or examined statements and the budget of anticipated income and expenditure together with a financial return in the prescribed form are forwarded to the Diocesan Registrar by 31 July; and
 - (j) on demand hand over to its successor the custody of all of the parish's funds and all parish goods and movable property.
- 59.2 All contracts, including without limitation employment contracts, leases or other financial arrangements on behalf of a parish must be entered into by the Trustees. The parish council does not have the power to make such arrangements except through or under a delegated authority from the Trustees. Nothing may be done by the parish council that interferes with the authority of the Archbishop, the rights of the Trustees or Diocesan Council, or the proper functions of the Rector.

60 Duties of the Secretary

- 60.1 The secretary acts under the direction of the parish council and, in addition to any duties of the secretary provided for elsewhere in this Statute, performs such duties as the parish council determines, which may include:
- (a) receiving all correspondence to the parish council;
 - (b) writing correspondence on behalf of the parish council;
 - (c) ensuring that minutes are taken of every parish council meeting, that minute books are kept, and that there are entered therein minutes of all meetings of enrolled members and of parish council and that the minutes are signed by the chairperson as true and correct records of such meetings; and
 - (d) in consultation with the Rector, preparing an agenda for every parish council meeting.

PART 13 – FINANCIAL REQUIREMENTS

61 Funds of parishes

- 61.1 The funds of a parish include all money under the control of the parish and any connected organisation including committees, groups and guilds.
- 61.2 Every parish must have an account with the ACF into which money for its ordinary expenses must be deposited and kept until required.
- 61.3 Parish council shall ensure that all money in excess of that which is necessary for the ordinary expenses of a parish is deposited in an account in the name of the parish in the ACF in accordance with rules of ACF.
- 61.4 Parish council shall ensure that within two weeks of its receipt, all other money is deposited in an account with the ACF. Without limitation, this includes:
- (a) money subject to a trust for permanent improvements;
 - (b) money subject to any other trust; and
 - (c) legacies subject to a specific trust.
- 61.5 The account must be in the name of the Trustees and:
- (a) identify the parish as the beneficiary; and
 - (b) state the trust applicable to the money.
- 61.6 Subject to the approval of the Trustees and upon the request of the wardens, Diocesan Council may approve other arrangements for the depositing of money on such terms and conditions as Diocesan Council determines.
- 61.7 Parish council may apply to the Diocesan Secretary for the issue of a credit card or debit card or both for use by the parish. If approved by the Diocesan Secretary, the credit or debit card will be issued in the name of the Trustees and provided to the parish council.
- 61.8 No funds of the parish may be drawn from any account except on the signature of any two of the authorised signatories.
- 61.9 Subject to electronic authorisation of each transaction by two of the signatories, funds may be drawn from the accounts of the parish by electronic funds transfer. Payments may be made, or funds may be drawn for parish-related expenditure using the parish credit card or debit card. Prior to the end of each month, two of the authorised signatories shall perform a reconciliation of all credit and debit card transactions and ratify each transaction by signing the reconciliation. Transactions which cannot be ratified in this manner shall be deemed to have been unauthorised.

62 Payment of entitlements

- 62.1 A parish shall make provision for:
- (a) the stipend and other allowances or entitlements payable to each member of clergy licensed to that parish as determined by Diocesan Council from time to time; and
 - (b) the entitlements of any lay employees including lay ministry workers and administrative staff in that parish.
- 62.2 The Trustees shall administer and be responsible for the payment of:
- (a) stipends, allowances and other benefits to clergy on behalf of the parish or allied ministry in which those members of clergy minister; and

- (b) salaries and other entitlements to lay ministry workers and lay staff on behalf of the parish.
- 62.3 Each parish or allied ministry in which a member of clergy or a lay ministry worker ministers, or in which lay staff are employed, must remit to the Trustees monthly by direct debit the funds required under section 59.1(f).
- 62.4 If a parish or allied ministry fails to reimburse to the Trustees in full for the costs paid or provisioned by the Trustees in relation to a member of clergy, lay ministry worker or lay staff, the Trustees may refer the matter to Diocesan Council for resolution in accordance with the statutes or policies of the Diocese.
- 63 Financial Records and Controls**
- 63.1 Each parish must comply with any relevant financial or accounting legislation, including legislation governing the conduct of, and reporting by, charitable entities.
- 63.2 The parish council must ensure that:
 - (a) adequate financial records are maintained to correctly record and explain the financial transactions and financial position of the parish; and
 - (b) a satisfactory system of internal control is maintained by the parish that must include:
 - (i) sound practices for efficient, effective and economical management including the preparation of budgets and the monitoring of variances;
 - (ii) procedures for the safeguarding of assets; and
 - (iii) separation of the function and responsibilities for financial record-keeping and the parish clergy.
- 64 Duties of the Treasurer**
- 64.1 The Treasurer is to keep such accounts as the parish council determines.
- 64.2 Every Treasurer or other person acting on behalf of the parish council who has custody or control of any money raised for or contributed to a parish for any purpose connected with the Church or for any other purpose whatsoever, must render to the parish council:
 - (a) not less than fourteen days before the date fixed for the annual meeting; and
 - (b) at other times when called upon by the parish council, the statements required under section 59.1(i).
- 65 Requirement for and duties of the Auditor, Reviewer or Independent Examiner**
- 65.1 Every parish whose "gross income":
 - (a) exceeds \$1,000,000 must appoint an Auditor;
 - (b) exceeds \$250,000 but does not exceed \$1,000,000, must appoint either an Auditor or a Reviewer, at the direction of parish council and subject to the discretion of parish council; and
 - (c) is less than \$250,000, must appoint an Independent Examiner.
- 65.2 It is the duty of the Auditor to:
 - (a) audit the annual accounts and report to the annual meeting in accordance with Australian Auditing Standards made by the Auditing and Assurance Standards Board; and
 - (b) report to Diocesan Council and to the annual meeting anything that the Auditor considers to be irregular or illegal.
- 65.3 It is the duty of the Reviewer to:
 - (a) review the annual accounts and report to the annual meeting in accordance with Australian Auditing Standards made by the Auditing and Assurance Standards Board; and
 - (b) report to Diocesan Council and to the annual meeting anything that the Reviewer considers to be irregular or illegal.
- 65.4 It is the duty of the Independent Examiner to:
 - (a) examine the annual accounts and report to the annual meeting in accordance with policies of the Diocese; and
 - (b) report to Diocesan Council and to the annual meeting anything that the Independent Examiner considers to be irregular or illegal.

PART 14 – PARISH ASSESSMENTS

- 66 Introduction**
- 66.1 Each parish shall contribute to the Diocese an assessment in accordance with this Statute. The assessment is to provide in part for the expenditure of Diocesan Council, for the expenses of the Synod, Provincial and General Synods, for such matters as may be authorised or required by statute, and for purposes incidental to any of the preceding matters.
- 66.2 Diocesan Council shall determine any dispute as to the interpretation or application of parish assessments.
- 66.3 For the purposes of this Statute the ordinary income of a parish shall include the following income:
 - (a) net of related expenses:
 - (i) receipts from fetes, bazaars, all other special activities;
 - (ii) rental from rectories leased out by a parish; and
 - (iii) income from opportunity shops or similar;
 - (b) without deduction of expenses:
 - (i) offerings;
 - (ii) receipts from the hire of properties in use for normal purposes of a parish (e.g. hall, worship centre, courts);

- (iii) donations for buildings or any other purpose of the parish;
 - (iv) grain dividends and the like;
 - (v) monies received from guilds and all other organisations in the parish;
 - (vi) legacies and bequests; and
 - (vii) income from all other sources (including all monies collected under the authority of the parish council); and
- (c) interest earned on all funds of the parish wherever invested or deposited.
- 66.4 The ordinary income of a parish shall not include:
- (a) Diocesan grants;
 - (b) proceeds from the sale of assets;
 - (c) loans to the parish;
 - (d) recoups or refunds of expenses paid and the proceeds of insurance claims;
 - (e) legacies and bequests under the terms of a will for a specific purpose(s) and not available for the general purposes of the parish;
 - (f) monies specifically collected or raised for purposes outside the parish and applied to that purpose (e.g. collections for missions and/or appeals);
 - (g) monies specifically collected or raised for the purpose of restoration of buildings of the Diocese classified by the National Trust of Australia (WA) or the Heritage Council of WA to be of historical significance;
 - (h) monies given specifically and separately as donations for capital works projects approved by Diocesan Council and deemed by Diocesan Council to be appropriate projects for this exclusion;
 - (i) monies specifically collected or raised for the purposes of discharging arrears of stipend or arrears of assessment to the Diocese exceeding an aggregate of \$5,000, PROVIDED THAT the parish:
 - (i) obtains the prior written approval of Diocesan Council of the event or activity at which it is proposed to collect or raise monies to discharge the arrears; and
 - (ii) provides Diocesan Council with a statement (in a form and within a time period approved by Diocesan Council from time to time) providing details of all the monies collected or raised;
 - (j) the component of any income that is GST payable to the Australian Taxation Office;
 - (k) grants from government or community organisations given for specific purposes and not available for the general purposes of the parish; or
 - (l) rent and other income (net of operating expenses) from commercial properties (e.g., residential, industrial, office, retail).
- 66.5 For the purposes of calculation of the assessment, the ordinary income will be reduced by:
- (a) a standard deduction of \$15,000 per parish;
 - (b) any monies paid to the following missionary agencies:
 - (i) Anglican Board of Mission – Australia;
 - (ii) Church Missionary Society;
 - (iii) SparkLit (formerly the Society for the Propagation of Christian Knowledge Australia or SPCK Australia);
 - (iv) Bush Church Aid;
 - (v) The Mission to Seafarers;
 - (vi) Social Responsibilities Commission; or
 - (vii) ²Anglican EcoCare Commission.
 - (c) any monies paid to an entity recognised under sections 1(1)(g) and 1(1)(h) of the Constitution of the Diocese in support of the ministry of a member of the parish who is formally engaged in ministry with that entity;
 - (d) any monies paid to Diocesan Council for the support of other parishes in the Diocese;
 - (e) monies specifically contributed by parishes towards the Ordination Candidates Fund to support students;
 - (f) any monies paid to the Parish Development Fund, being a fund of the Trustees;
 - (g) clergy travelling costs incurred by country parishes in excess of the standard travelling allowance;
 - (h) subsidies for Diocesan Council approved theological education and ministry formation programmes for local non-stipendiary clergy and volunteer lay ministry leaders, including pastoral assistants, to a maximum of \$3,200 per annum per person in such programmes; and
 - (i) the minimum stipend and allowances associated with a curacy in a parish for no longer than a period of two years.
- 66.6 For the purposes of this Statute the commercial income of a parish shall include all rent and other income (net of operating expenses) from commercial properties (e.g., residential, industrial, office, retail) owned or held for the benefit of by the parish.
- 67 Calculating and paying assessments**
- 67.1 The method of calculating the assessment for a parish and its payment shall be in accordance with Part 14 of this Statute.

² Amended Synod 2019

- 67.2 The assessment shall comprise two components:
- (a) 15% of the ordinary income of a parish (being the **ordinary income component**); and
 - (b) 35% of the commercial income of a parish (being the **commercial income component**).
- 67.3 Each parish must pay monthly by direct debit one-twelfth of the annual budgeted ordinary income component and one-twelfth of the commercial income component of the assessment (if any).
- 67.4 An adjusting payment is to be made at the end of the diocesan accounting year where that is necessary, and any overpayment by a parish in a financial year shall be returned to the parish.

68 Effect of arrears in payment

- 68.1 Interest on overdue assessments will be calculated at the rate equivalent to the then 90-day BBSW (bank bill swap rate) plus two percent (2%). Interest will continue to accrue and be payable on arrears unless Diocesan Council agrees to defer or waive the whole or a part of this liability to pay interest following submission from parishes to Diocesan Council through their archdeacons. This will apply to arrears as at 30 April of each financial year for which the assessment is payable.
- 68.2 When a parish falls into arrears with stipends, assessments or any other money due to the Diocese or otherwise cannot meet its financial commitments Diocesan Council may require an intervention in accordance with Diocesan policy.

69 Varying or waiver of assessment in special circumstances

- 69.1 Where Diocesan Council determines, on application by the parish, that the parish has suffered a catastrophic event or is in another exceptional circumstance, it may vary the calculation of the assessment by:
- (a) excluding from the ordinary income any interest earned by funds excluded from the ordinary income calculation and held by the parish in relation to the exceptional circumstance and any interest on interest so excluded; and
 - (b) reducing the ordinary income by the amount of additional operating costs approved by Diocesan Council and incurred directly as a result of the exceptional circumstance and not recoverable from any source until such time as Diocesan Council determines that the exceptional circumstance no longer applies.
- 69.2 Diocesan Council may, in its absolute discretion, on application by the parish (exhibiting special circumstances supported by its reasons), reduce the amount of the commercial income component of the assessment for any period falling within the next succeeding 5 years, and may also, in its absolute discretion, revoke that decision in whole or in part at any time during those 5 years.
- 69.3 Diocesan Council may decide to waive the payment of all or part of an unpaid assessment, but only on the recommendation of an assistant bishop and the Diocesan Treasurer, and where it is satisfied that:
- (a) a parish has been unable to meet that outstanding liability for at least two financial years,
 - (b) for the 24 months immediately preceding the decision the parish has made assessment payments at the current rate, and
 - (c) by virtue of special circumstances, the parish would be particularly assisted to achieve continued financial stability and to maintain an effective ministry if it could be relieved in part or whole of the outstanding assessment liability.

PART 15 – GOVERNANCE AND ADMINISTRATIVE CONCESSIONS

70 Introduction

- 70.1 The Synod acknowledges that there are parishes which operate on a smaller scale, especially in rural or regional areas of the Diocese.
- 70.2 Governance and administrative concessions are intended to assist such parishes in their mission by lessening the administrative burden and governance requirements on those parishes.
- 70.3 All parishes shall comply with the provisions of this Statute, except where Diocesan Council permission has been sought by the parish for a governance or administrative concession and granted. Diocesan Council shall make policies and rules from time to time which prescribe requirements and/or impose conditions that a parish must satisfy to be eligible for a governance or administrative concession.

PART 16 – USE AND MAINTENANCE OF CHURCH BUILDINGS

71 Those Entitled to Officiate

- 71.1 Only persons licensed or approved by the Archbishop are permitted to:
- (a) celebrate Divine Service;
 - (b) administer any sacrament;
 - (c) perform any other rite, ceremony or ordinance of the Church; or
 - (d) preach any sermon,
- in any Church building or parish.
- 71.2 Before any person may perform any of the acts listed in section 71.1 in a Church building or parish:
- (a) the consent of the Rector is required if the person is authorised to officiate in the Diocese; and
 - (b) the consent of the Archbishop and of the Rector is required if the person is not authorised to officiate in the Diocese.
- 71.3 The Archbishop and the Rector are always entitled to perform these acts.

72 Church buildings

- 72.1 Parishes may meet in a Church building or other place within the Diocese.
- 72.2 A parish may enter into an agreement with a Church entity or Church school to establish a partnership to share a Church building, chapel or other facilities. Such agreement has no effect until it has been approved by the Archbishop, Diocesan Council, the Trustees, the parish council, and the Church entity or Church school concerned.

73 Use of Church buildings

- 73.1 Church buildings set apart by dedication or consecration for use as a church may only be used for:
- (a) the celebration of worship, the administration of the sacraments and the due performance of all other rites and ceremonies of religion according to the order and use of the Church; and
 - (b) activities consistent with the mission and ministry of the Church unless the prior consent of the Archbishop for another use has been given.
- 73.2 The consent of the Rector is required for any meeting to be held in a building in a parish that is not let, leased or otherwise set aside for the exclusive use of others.
- 73.3 The wardens and other officers of the parish and the officers of the Diocese are to have reasonable access to the buildings and property of the parish to perform all acts related to their respective offices.
- 73.4 The Archbishop may at any time direct, permit or refuse to permit a meeting to be held in a building of a parish that is not let, leased or otherwise set aside for the exclusive use of others.

74 Maintenance, alterations and replacement of Church property

- 74.1 The parish council, except as otherwise ordered in this Statute, is responsible for the general control, maintenance and management of all Church buildings, rectories and other buildings of which the parish is the beneficial owner, subject to and in accordance with Diocesan policies, standards and guidelines.
- 74.2 The Rector and wardens must send to the Trustees at least annually, a report (the Property Report) on the condition of all property of which the parish is the beneficial owner.
- 74.3 The Property Report shall be on the form provided by the Trustees for the purpose and shall contain full answers to the particulars required by the Trustees.
- 74.4 If, from the Property Report or upon an independent inspection arranged by the Trustees, it appears to the Trustees that any property of which the parish is the beneficial owner is not in good order and repair, the Trustees must make and send an order to the parish council (**the Order**) setting out the work that the Trustees require to be effected.
- 74.5 Within 30 days of receipt of the Order, the parish council must begin to affect the work.
- 74.6 Within 30 more days the parish council must report progress of the work to the Trustees.
- 74.7 Upon the completion of the work, the Rector and wardens must send to the Trustees a statement signed by them that the work has been affected satisfactorily.
- 74.8 If the parish council fails to comply with the Order or to report progress of the work, or if the Trustees consider that the work is not being effected or completed satisfactorily or is being unduly delayed, the Trustees may pay to have the necessary work effected or completed, and the cost thereof and all expenses incurred in connection therewith must be refunded by the parish council when required by the Trustees.
- 74.9 Before a parish may undertake the following acts in relation to property of which a parish is the beneficial owner:
- (a) the erection of a new Church building, rectory or other building;
 - (b) alteration of any kind to the internal or external appearance of an existing church or building;
 - (c) the erection, renewal, removal or alteration of monuments or plaques; or
 - (d) alterations or additions to any fittings or ornaments of a Church building, the Rector and wardens of the parish must apply for the issue of a faculty by the Archbishop and the Diocesan Secretary.
- 74.10 If the parish receives a faculty (being permission for those works) for any maintenance, alteration or replacement of Church property or otherwise undertakes any building or maintenance project, it must adhere to any relevant Diocesan policies and any specific conditions for the approval of those works.

PART 17 – ABOLITION OF PARISHES

75 Abolition of parishes

- 75.1 Diocesan Council with the assent of the Archbishop may from time to time on its own initiative or on application by the parish council abolish a parish.
- 75.2 Diocesan Council with the assent of the Archbishop may propose the abolition of a parish where:
- (a) Diocesan Council is satisfied that the parish has failed to comply with any statute of Synod or policy of Diocesan Council and despite being given an opportunity to comply, is unable or unwilling to comply with the relevant statute or policy;
 - (b) the number of enrolled members has declined below 5 persons or the minimum level for a parish as stipulated in this Statute or a policy of Diocesan Council;
 - (c) changing demographics have altered the needs of the Diocese;
 - (d) the parish has fallen into arrears in relation to the parish assessment, stipend or other entitlements due to clergy;
 - (e) the parish is unable to keep its Church building, rectory and other property in good repair or has failed to set aside adequate amounts for maintenance of parish property as determined by the Trustees; or
 - (f) any other proper reason provided by the parish council or the assistant bishop or archdeacon with oversight of the parish following consultation with the parish.

- 75.3 An application by a parish or parishes for abolition must include details of the allocation of any territories, assets and liabilities of any parishes affected by the proposal, and the allocation of responsibility for the pastoral care of their people.
- 75.4 Diocesan Council shall direct an assistant bishop to consult with the priest in charge and council of any parish that would be affected by the proposal. The assistant bishop must consult and report back to Diocesan Council following consultations and, in any event, not less than thirty days before the proposal is due to take effect.
- 75.5 The priest in charge or parish council must submit to Diocesan Council their opinion of the proposal not later than seven days before the proposal is due to take effect. Diocesan Council must consider any such submissions provided that the submissions are received by the Diocesan Registrar not less than seven days before the proposal is due to take effect.
- 75.6 After the consultation required by section 75.4 and following consideration by Diocesan Council of the report by the assistant bishop and any submissions received from any affected parishes, Diocesan Council with the assent of the Archbishop may give effect to the proposal for abolition of a parish on such terms and conditions as it thinks fit.
- 75.7 Diocesan Council must report particulars of any abolition of parishes, including the alteration to the number, boundaries and bases of association of parishes to the next Session of Synod and such alteration stands unless disallowed by Synod.

PART 18 - GENERAL PROVISIONS

76 External Affiliations

- 76.1 Parishes may not, without the approval of the Archbishop or Diocesan Council, engage in any permanent affiliation or association with:
- (a) another diocese of this Church; or
 - (b) organisation of any other diocese of this Church; or
 - (c) parish of any other diocese of this Church.
- 76.2 The Archbishop or Diocesan Council may refuse any such application for approval or grant approval on such terms and conditions as the Archbishop or Diocesan Council may in their respective absolute discretion determine.

77 Professional Standards Statute and Diocesan policies

- 77.1 Every person appointed or elected under this Statute is subject to:
- (a) the provisions of the Professional Standards Statute 2015 and any policy or requirement made from time to time pursuant to that statute; and
 - (b) any other Diocesan policies.

78 Dispute Resolution

- 78.1 When a dispute arises between the Rector and the parish council, the Rector and one or more parishioners, or the parish council and one or more parishioners, the parties in dispute are encouraged to bring their concerns initially to the Rector and/or the parish council with a view to resolution of the dispute within the parish.
- 78.2 If the internal processes do not resolve the dispute, the Archbishop, or a person nominated by the Archbishop for the purpose, may implement a process of dispute resolution in accordance with Diocesan policies or as otherwise determined in the sole discretion of the Archbishop.
- 78.3 Any dispute that has been managed through the processes outlined in sections 78.1 and 78.2 but remains unresolved may be referred to the Archbishop for determination. The determination of the Archbishop shall be final and binding on the parties to the dispute.

79 Cathedral subject to certain provisions

- 79.1 The following Parts or provisions shall apply to the Cathedral:
- (a) Part 11 – Declarations;
 - (b) section 76 (External Affiliations); and
 - (c) section 77 (Professional Standards Statute and Diocesan policies),
- and the provisions of those parts shall be read as if the reference to Rector is a reference to the Dean of the Cathedral and reference to parish council and office-bearers in a parish are a reference to the Chapter and canons of the Cathedral and a reference to a parish is a reference to the Cathedral congregation.
- 79.2 Subject to section 79.1, nothing in this Statute is to be construed as referring to the Cathedral Church of Saint George.

80 Amendments to this Statute

- 80.1 This Statute as amended from time to time is to be printed as amended and sent to the Rector and secretary of every parish.

**SCHEDULE 1: APPLICATION FOR ENROLMENT ON THE ELECTORAL ROLL
THE PARISH OF.....**

APPLICATION FOR ENROLMENT

I, Dr/Mr/Mrs/Ms/Miss..... [Full Christian Names and Surname in Block Letters]

of Phone:

Mobile:

Email: DECLARE THAT:

- a I have attained the age of sixteen years;
- b I have been baptised;
- c I am a communicant member of the Anglican Church of Australia, namely,
 - i I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
 - i I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
 - ii I am a communicant member of a church that is in full communion with the Anglican Church of Australia;
- d I am not a member of any church that is not in communion with the Anglican Church of Australia;
- e I receive communion regularly in this parish including normally at Christmas and Easter;
- f I regularly attend the public worship of the Anglican Church of Australia in this parish;
- g I am a resident of this parish and/or I have regularly attended worship in this parish during the preceding six months or since it was established as a parish.

I HEREBY APPLY to be entered on the electoral roll of this parish.

Signed: DATED this: day
of, 20.....

SCHEDULE 2: NOMINATION FORM

THE PARISH OF

.....

NOMINATION FOR ELECTION

We, being enrolled members of the above parish, nominate:

Dr/Mr/Mrs/Ms/Miss

[Full Christian Names and Surname in Block Letters]

of

phone: mobile:

email:

for the following office or offices (*indicate which offices apply*): Warden/Nominator of

Clergy/Councillor/Auditor/Independent Examiner Nominated by: Signature 1:

Date:.....

Signature 2: Date:

ACCEPTANCE AND DECLARATION

I hereby agree to stand for election as detailed above, and:

- a *If nominated for the office of warden:* I declare that I am not a warden for any other parish, and that I have attained the age of eighteen years;
- b *If nominated for any office other than Auditor or Independent Examiner:* I am an enrolled member of the above parish; and, if elected or appointed, I will faithfully perform all the duties of the office/s to which I am elected, and I accept and will obey the Constitution and the Statutes of Synod;
- c I agree to my details as above being published on the Diocesan website and other places for Diocesan purposes; and
- d I agree to provide to the Diocese a Police clearance and any other checks required under Diocesan Statutes and policies in force from time to time.

Signed:

Date:

BRIEF BIOGRAPHICAL DETAILS: Occupation, or that from which retired; Church and community experience, etc:

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Nominations must be received by the Rector not less than six clear days before an election is held.

SCHEDULE 3: LAY OFFICERS' DECLARATION

To be subscribed by every lay person who is an elected or appointed lay member of Synod, member of a parish council (including warden), or nominator of clergy.

I, Dr/Mr/Mrs/Ms/Miss.....

[Full Christian Names and Surname in Block Letters]

of

Parish or Organisation:.....

Having been elected or appointed to the office of:

.....

DECLARE THAT:

- a) I am a lay person;
- b) I have attained the age of sixteen years [wardens: eighteen years];
- c) I have been baptised;
- d) I am a communicant member of the Anglican Church of Australia, namely,
 - a. I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
 - b. I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
 - c. I am a communicant member of a Church that is in full communion with the Anglican Church of Australia;
- e) I am not a member of any church that is not in communion with the Anglican Church of Australia;
- f) I receive communion regularly in this parish including normally at Christmas and Easter;
- g) I regularly attend the public worship of the Anglican Church of Australia;
- h) I will faithfully perform all the duties of my office; and
- i) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer..... in the presence of:

.....

this day of20.....

SCHEDULE 4: LAY OFFICERS DECLARATION, SPECIAL ELIGIBILITY

To be subscribed by every lay person appointed by the Archbishop to serve as warden or parish councillor, notwithstanding that they are not eligible to be enrolled members of the parish.

I, Dr/Mr/Mrs/Ms/Miss.....
[Full Christian Names and Surname in Block Letters]
of
Parish or Organisation:.....
Having been elected or appointed to the office of:
.....

DECLARE THAT:

- a) I am a lay person;
- b) I have attained the age of sixteen years [*wardens: eighteen years*];
- c) I have been baptised;
- d) I regularly attend the public worship of the Anglican Church of Australia;
- e) I will faithfully perform all the duties of my office; and
- f) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer:
in the presence of:
this day of, 20.....

**SCHEDULE 5: SYNOD NOMINATION FORM
THE PARISH OF**

.....

NOMINATION FOR SYNOD ELECTIONS

We, being Enrolled Members of the above parish, nominate:

Dr/Mr/Mrs/Ms/Miss.....

[Full Christian Names and Surname in Block Letters]

of

phone: mobile:

email:

for the following office of Lay Member

Nominated by: Signature 1:Date:

Signature 2:Date:

ACCEPTANCE AND DECLARATION

I agree to stand for election as detailed above, and I declare that:

- a) I am an Enrolled Member of the above parish;
- b) if elected or appointed, then I will faithfully perform all duties of the office to which I am elected; I accept and will obey the Constitution and the Statutes of Synod; and I will not otherwise be a member of Synod
- c) I agree to my details as above being published on the Diocesan web-site and other places for Diocesan purposes; and
- d) I acknowledge that I may be required to obtain a Police Clearance and any other checks required under Diocesan Statutes and policies in force from time to time.

Signed: Date:

BRIEF BIOGRAPHICAL DETAILS: Occupation, or that from which retired; Church and community experience, etc.:

.....

Nominations must be received by the Rector not less than six clear days before an election is held.

**SCHEDULE 6:
CERTIFICATE OF ELECTION OR APPOINTMENT TO SYNOD
THE PARISH OF**

.....

CERTIFICATE

I,

Full Christian Names and Surname in Block Letters

of.....

being the Returning Officer for the above parish, certify that according to the Parish Governance Statute 2016 and at a meeting empowered under it to elect or appoint lay members of Synod:

(.....) the Annual Meeting; or (.....) a parish council meeting held on the following office bearers were elected or appointed:

*Elected Lay member of
Synod/Appointed lay member of
Synod to fill casual vacancy:*

*Elected Lay member of
Synod/Appointed lay member of
Synod to fill casual vacancy:*

.....

.....

Full name in Block Letters

Full name in Block Letters

.....

.....

Preferred name for name tags

Preferred name for name tags

of

of

.....

.....

The declarations required by the Parish Governance Statute 2016 have been signed in my presence and are attached.

Signed: Date:.....

This certificate and the declarations must be held in the parish office.