



## **Plain English guide to the Parish Governance Act 2013 for vicars and parishes**

### **Important note**

This document is prepared for vicars and parishes, and the situations that they are likely to encounter in the course of normal operations. It necessarily simplifies the provisions of the legislation, and at times refers to the existence of exceptions without spelling them out.

Additional guidance material will be produced relating to particular matters.

The most accurate statement of the law is in the Act itself, the regulations and the associated instruments of delegation.

### **THE PARISH**

#### **The Anglican understanding of parish**

In this Diocese, we consider the parish to be the geographical unit for organizing the mission of God throughout the Anglican Church within the Diocese of Melbourne. The boundaries of each parish are those approved by the Archbishop in Council. The Anglican Church within the Diocese is constituted of clergy and lay people committed to building up the body of Christ under the leadership of the Archbishop.

#### **Parish boundaries**

The Archbishop in Council establishes a parish and defines its boundaries. There are rules about how the boundaries of a parish can be altered. The Registrar must provide the description and map of the boundaries of any parish on request.

#### **Places of worship**

A parish must have a principal place of worship and (unless otherwise authorized by the Archbishop in Council) that must be a building set apart and consecrated or intended to be set apart and consecrated exclusively for the worship of Almighty God according to the doctrine, rites and usages of the Anglican Church.

If a parish has more than one worship centre, the Archbishop in Council must designate one worship centre as the principal worship centre.

#### **ELECTORAL ROLL**

There must be a parish electoral roll for each parish. No-one can be on the roll of more than one parish in the Diocese. (An Authorised Anglican Congregation counts as a parish for the purposes of these



provisions.)

The parish electoral roll is to contain the names and postal addresses of lay persons who are of at least eighteen years of age and who—

- (a) are baptised;
- (b) regularly and habitually attend public worship at a worship centre in the parish;
- (c) have signed an application seeking to be included on the roll and declaring that—
  - (i) they are a member of the Anglican Church of Australia or of a church in communion with the Anglican Church of Australia;
  - (ii) they are not a member of any church which is not in communion with the Anglican Church of Australia; and
  - (iii) they are not on the parish electoral roll of any other parish or any Authorised Anglican Congregation in the Diocese other than a roll from which they wish their name to be removed.

Someone who has regularly and habitually attended public worship in a worship centre in a parish 12 times in the preceding 12 months and three times in the preceding three months is entitled to be considered to have regularly and habitually attended public worship at that worship centre.

Where there is more than one worship centre in a parish, the parish electoral roll must show in respect of each parishioner a worship centre with which they are associated.

The worship centre with which a parishioner is shown as being associated is a worship centre at which the parishioner regularly and habitually attends public worship that has been identified by the parishioner as their local worship centre or (if they have not identified a worship centre) determined for them by the parish electoral committee

Every parish must have a **parish electoral committee** consisting of the vicar and a churchwarden or member of the parish council appointed by the parish council at its first meeting after the annual meeting.

The parish electoral roll must be maintained and revised by the parish electoral committee.

There must be an annual **revision of the parish electoral roll**, and it must be completed within 15 and 28 days before the annual meeting of the parish or worship centre to which it relates. At least 14 days' notice must be given of the revision.

The roll can be amended at other times, except in the 14 days preceding the annual meeting and during the period between when a statutory parish meeting is called and when it concludes. (If a meeting is adjourned to a later date, it does not conclude until the conclusion of the meeting on that later date.)

A person's name cannot be removed only on the grounds that they have not regularly and habitually attended public worship during the previous three months if they have failed to attend for some temporary or unavoidable reason.

### **Display and inspection of the electoral roll**

The parish electoral roll revised and amended in accordance with section 11(2) must be dated, signed and certified by the parish electoral committee and displayed clearly, together with any names that have been removed since the last annual meeting—

- (a) near the main entrance to each church in the parish throughout the 14 days preceding the annual



meeting; and

- (b) in a place and manner obvious to anyone attending public worship in a worship centre that is not a church during, and for a reasonable time before and after, each occasion of public worship in that worship centre in the 14 days preceding the annual meeting.

However, a parish electoral roll or local electoral roll that is publicly displayed or available for inspection must not show any information other than that person's first name and surname unless the person has agreed in writing for that other information to be available for public display and inspection.

Anyone who is on the parish electoral roll may inspect it at any time at no charge by request to the parish secretary.

A copy of the parish electoral roll as displayed must be presented to the annual meeting of the parish and must be provided to the Registrar by the parish secretary if the Registrar so requests.

### **People moving between parishes**

When people move between parishes their names must be removed from and added to the relevant rolls by communication between the relevant parish secretaries using the forms and notices prescribed by Archbishop in Council.

### **PARISH RULES FOR MEETINGS AND OFFICERS AND OTHER RULES ABOUT ROLES AND ELIGIBILITY**

Every parish has parish rules for meetings and officers.

These are either the default rules in Schedule 1 to the Act, or modified rules adopted by the parish.

In parishes with a local worship centre, the local worship centre *may* decide that additional rules are to apply to that parish.

### **Modified parish rules for meetings and officers**

Modified parish rules for meetings and officers may be proposed by three churchwardens, the parish council or 10 or more parishioners.

A statutory parish meeting may adopt modified parish rules for meetings and officers, but only by adopting permitted alternative text set out in Schedule 1 and doing so in conformity with the associated instructions.

However, a statutory parish meeting cannot adopt or amend modified parish rules while there is no incumbent.

Before a statutory parish meeting may adopt modified parish rules—

- (a) at least one month's notice of the meeting must have been given; and
- (b) the full text of the proposed modified parish rules for meetings and officers must have been always available during the period of one month before the meeting.

If at the meeting there is a successful motion to amend the modified parish rules proposed to the meeting, the meeting must be adjourned for at least 14 days.

Modified parish rules can be further modified by following the same procedures.

Modified parish rules can be expressed to come into effect at any time in the future up to 14 months after they are adopted. This means, for example, that an annual meeting can adopt rules that will come into effect at the conclusion of the next annual meeting (that is, one year later).



As soon as a parish has adopted modified parish rules they must be provided to the Registrar, who must register them once satisfied that they comply with the Act. If in doubt as to their compliance, the Registrar must refer the rules to the Archbishop in Council for a final decision.

Modified rules take effect on the later of the date when the Registrar notifies the parish of their registration or the date determined by the parish for them to come into operation.

Modified parish rules expire after 10 years, but can be remade<sup>1</sup>. Parishes with modified rules are strongly advised to remake them at the annual meeting one year before they are due to expire, so that they can be re-registered and in place.

A parish must state in its annual statistical return whether it has modified parish rules and the date on which those rules cease to have effect.

If the parish rules following a statutory parish meeting will be different with regard to elections, then it should conduct the elections as if the new rules are in place. However, if necessary the meeting can be adjourned for 21 days and fresh nominations called. (For example, if a parish with a parish council of 6 members realizes that it will revert to 12 members following the meeting because it has forgotten to re-make its modified rules, it may wish to adjourn to work out how to fill the extra vacancies.)

### **Parishes with a local worship centre**

The parishioners on the local electoral roll of a local worship centre may at a meeting called for the purpose resolve that section 18 of the Act applies.

If section 18 does apply the budget presented to the annual meeting of the parish must include details of the income from each worship centre and the expenditure associated with the buildings and accommodation of each worship centre.

In addition, if section 18 applies the local parishioners of any worship centre in the parish (including the principal worship centre) may decide that there is to be an annual meeting for that worship centre and if so (optionally) that there is to be a vestry for that worship centre.

The Act provides for how those decisions can be reversed by the worship centres.

### **Disqualification from holding parish offices**

A person is disqualified from being a parish officer if he or she is—

- (a) an undischarged bankrupt; or
- (b) a person who has been convicted of an offence punishable by more than 5 years imprisonment; or
- (c) permanently or for a period of more than 12 months incapable to a substantial degree by reason of mental incapacity or physical disability to discharge the duties of a parish office.

The Archbishop, on the advice of the Chancellor, may exempt a person from this disqualification. A meeting is not invalid because a disqualified person participates in it.

Prohibition orders under the *Professional Standards Act 2009* may not be a parish officer continue to apply also.

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<sup>1</sup> If there is no incumbent when they expire, they continue until the end of the first statutory parish meeting after the installation of the new incumbent



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### **Declaration by office holders**

A parish officer must not perform any duties of that office before signing a declaration in or to the effect of the form prescribed by the Archbishop in Council, except in the case of a member of the parish council or incumbency committee appointed temporarily as a churchwarden or treasurer.

Note that this must be done following every election or appointment (that is, in most cases, annually).

If a person has not signed the declaration within one month of being appointed or elected, the office becomes vacant.

### **Incumbency committee**

The incumbency committee of a parish includes a churchwarden appointed under the Act, and parishioners elected in accordance with the Act.

Within 30 days of an annual parish meeting or before the first meeting of the parish council following an annual parish meeting (whichever occurs first), the churchwardens must appoint a churchwarden to be a member of the incumbency committee.

If the person originally appointed is for any reason no longer available at the time when the incumbency committee is first convened, the churchwardens must, before the first meeting of the incumbency committee, appoint to the incumbency committee a churchwarden who is not an elected member of the incumbency committee. It is very important to note, however, that the right to appoint a replacement arises only if the churchwardens appointed a warden to the incumbency committee within 30 days of the annual meeting. If they did not do so, then they cannot subsequently appoint a warden to the incumbency committee when the incumbency committee is first summoned.

There are two other elected parishioners if there is one worship centre, and if there is more than one worship centre one elected by the annual meeting of the whole parish, and an additional one elected by the electors of each worship centre.

Vacancies in elected positions are to be filled by the same meetings as filled the positions originally.

As soon as possible after a parishioner becomes a member of the incumbency committee, the parish must inform the Registrar of his or her name and postal address.

### **Status of decisions**

- The parish council must take into consideration any expression of opinion by a statutory parish meeting.
- A decision of a statutory parish meeting is not binding on the parish council or churchwardens unless it is a decision requiring that a matter be considered or taken into account, or a decision seeking a report in relation to a matter.
- A decision of a parish council is not binding on the churchwardens in relation to any matter for which they have a statutory responsibility.

### **RESPONSIBILITIES IN PARISH GOVERNANCE**

Where the Act provides that a parish must do an act, it is the churchwardens who must seek in good faith to ensure that the parish does that act.



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## Churchwardens

The churchwardens of a parish are responsible for—

- (a) the care and maintenance of the church, the vicarage and other accommodation provided by the parish for the staff of the parish, the church grounds, and all other buildings and property of the parish;
- (b) the care of the furniture of the worship centres and of all things necessary for the conduct of public worship, and for providing everything necessary for the conduct of public worship, including the bread and wine for the Holy Communion;
- (c) keeping in order the worship centres and their grounds and seeing that everything in and about the worship centres is fit and in proper order for the due performance of public worship;
- (d) keeping order in the worship centres during public worship and providing for the due seating of the congregation and the collection of their offerings;
- (e) reporting to the parish council all repairs or alterations required in the fabric, fittings or furniture of the worship centres and the fabric and fittings of the vicarage;
- (f) complying with any laws of the Commonwealth of Australia, the State of Victoria or any municipality in which the parish has property that impose mandatory requirements applicable to the land, buildings and operations of the parish.

Except with the prior written consent of the relevant Archdeacon, a churchwarden may not be appointed to, or continue to hold, a remunerated office or position in the parish.

The churchwardens must ensure that any leave taken by the vicar is consistent with the terms of the vicar's appointment.

The churchwardens of the parish have a duty to provide a written report to the Archbishop, signed by a majority of them, on any serious irregularities in the performance of public worship or any wilful neglect of duty or any serious misconduct on the part of the vicar.

The churchwardens also have the functions and duties conferred or imposed by the laws of the Church, including canons of General Synod adopted by this Diocese and the laws of this Diocese.

## Role of the vicar

The vicar has a distinct role in governance and management of the parish and—

- (a) 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;
- (b) contributes biblical, theological, pastoral, liturgical, educational, evangelistic and ethical insights to the governance and management of the parish;
- (c) 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;
- (d) exercises a "presidential" role by chairing the parish council, the vestry and statutory parish meetings, or by appointing other fit persons to chair such meetings as provided for by this Act and the parish rules for meetings and officers, and is entitled to exercise a vote at a meeting of the parish council or a vestry (whether chairing the meeting or not), but is not entitled to exercise a vote at statutory parish meetings;



- (e) may make appointments jointly with the churchwardens under the Act; and
- (f) may recommend to the Archbishop persons to be appointed to ministry in the parish as a clerk or as an authorised lay minister.

### **The parish council**

The functions of the parish council include—

- (a) promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
- (b) supporting and assisting the churchwardens in the discharge of their responsibilities;
- (c) 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;
- (d) making known and putting into effect any provision made by the Diocesan Synod;
- (e) giving advice to the Diocesan Synod on any matter referred to the parish council; and
- (f) raising such matters as the parish council considers appropriate with the Diocesan Synod.

The parish council must have in place and review annually a plan setting out material risks and the mitigation strategies.

### **Appointments to licensed and paid positions**

The parish council may determine amounts to be available for the remuneration of the holders of any role, office or position in the parish and, subject to the *Diocesan Stipends Act 1991*, must determine the remuneration payable in each case.

A person appointed to a role, office or position in a parish must be fit to hold the role, office or position in the Anglican Church whether unconditionally or subject to any condition or restriction.

A person appointed to hold any role, office or position in a parish for ordained ministry or for authorised lay ministry must not engage in that ministry without the licence or other written authority of the Archbishop.

The Archbishop alone may appoint a person in Holy Orders to a stipendiary role, office or position in a parish or a stipendiary authorised lay minister in a parish, and alone may suspend or terminate that appointment.

The Archbishop determines the terms and conditions of appointment, on the recommendation of the vicar, and the Archbishop must consult with the vicar before exercising the power of appointment, suspension or termination unless it is impracticable to do so.

The vicar is responsible for supervising and managing a person appointed under these provisions.

In relation to appointments to any remunerated role, office or position in the parish that is not in relation to public worship, mission, ministry or teaching or to a role involving handling money or keeping parish books and records, the vicar and churchwardens jointly appoint, suspend and terminate. They can authorize one of their number to manage and supervise the person appointed.

In all other cases, the vicar alone appoints, suspends and terminates, but can delegate management and supervision to someone else so appointed.



The vicar (or the vicar and churchwardens where applicable) can delegate his, her or their duties as a church authority to the Archdeacon or someone else approved by the Archbishop.

## **FINANCIAL MATTERS**

### **Annual diocesan assessment**

A parish must pay from its funds to the Diocese the annual diocesan assessment

This is an amount determined in the manner prescribed by the Archbishop in Council on the basis of the annual income of the parish, net of allowable deductions and at a stipulated rate of assessment. For the purpose of determining the annual diocesan assessment, the parish must give the Registrar an annual statement of the income and expenditure of the parish in the form and at the time prescribed.

A parish may within a prescribed time in the prescribed form object to the Archbishop in Council against the annual diocesan assessment. The grounds for the objection must be stated fully and in detail, and must be in writing. The Archbishop in Council may following a parish's objection, allow the objection and determine a different annual diocesan assessment.

A parish may within a prescribed time apply to the Archbishop in Council for some or all of its obligation to pay the annual diocesan assessment to be waived. The Archbishop in Council may following an application, in its absolute discretion waive in whole or in part a parish's obligation to pay the annual diocesan assessment on such terms and conduct as it may decide.

### **Finance**

The parish council has the general direction of the administration of all parish funds other than those excluded from that direction by the trusts on which they are held, and must provide that direction in accordance with this Division.

The parish council must approve and present to each annual meeting a parish budget for the financial year in which the meeting is held.

The parish budget must specify an amount with regard to each of the following matters:

- (a) the supply of all things necessary for public worship and the administration of the sacraments;
- (b) the amounts of remuneration of the incumbent and other staff;
- (c) the insurance it is required to maintain;
- (d) the payment of interest on money borrowed for the erection of the worship centre, vicarage or other parish buildings; and
- (e) the annual diocesan assessment.

The parish council may alter the parish budget to respond to unforeseen increases or decreases in income, expenditure, assets or liabilities. The treasurer must ensure that the funds of the parish are expended in a manner consistent with the parish budget.

### **Funds**

The churchwardens have responsibility for the proper keeping and management of all parish funds and must maintain adequate and accurate accounting records of the parish's financial transactions.

The funds of the parish must be kept in an account in the name of the parish with a bank or with some other institution prescribed by the Archbishop in Council.



The signatories for payments from the funds of the parish are the persons decided by the parish council, and a cheque or other payment from the funds of the parish must be signed or authorized by two signatories, one of whom is the treasurer or a churchwarden.

All money received by the parish in order for it to be forwarded to a person or body outside the parish must be paid to that person or body within two months of its being received.

A person must not incur a liability on behalf of the parish except as authorized by the parish council.

The parish council must establish a proper system for monitoring the incurring of liabilities on behalf of the parish to ensure that liabilities are incurred within the scope and terms of the authorization.

### **Application of parish funds**

The parish must apply its funds in accordance with its budget. If any rent is received for the buildings of the parish, the insurance and repairs of those buildings must be met first from the rent.

After making due provision for any existing debt, the parish budget may provide for the investment of any surplus funds in the manner prescribed, the expenditure of surplus funds for such pious and charitable uses as the parish council may think fit, retaining surplus funds in an operating account of the parish.

Note that the parish *budget* may provide for these things, and the parish council determines and amends the budget. It follows that investment of surplus funds is a decision of the parish council (through altering the budget) not of the churchwardens or the treasurer.

The accounts of the parish must show:

- (a) money raised by or contributed to the parish in connection with the parish church or other parochial buildings or for improving or furnishing them, or for any other purpose or purposes connected with the Anglican Church or any of its schools, societies, clubs, committees or other institution; and
- (b) money raised or contributed to the parish from any trust or corporation established for the benefit of the parish or to advance any mission or ministry for which the parish is responsible.

The vicar is not allowed have any involvement in the management or administration of the finances or financial arrangements other than as a member of the parish council or a sub-committee of the parish council, or in order to do things specifically required by the Act.

### **Preparation, audit and independent examination of accounts**

The treasurer must each year, at least 14 days before the date of the annual meeting and at other times when called upon by the churchwardens, provide to the churchwardens a statement of accounts and balance sheet.

The churchwardens must to the fullest extent that it is possible for them to do so obtain the most recent profit and loss statement and balance sheet of every trust or corporation established—

- (a) for the benefit of the parish; or
- (b) to advance any mission or ministry for which the parish is responsible—

and of which the vicar or any parish officer is an officer.



### **Churchwardens to prepare accounts**

As soon as possible after the end of a financial year the churchwardens must prepare the accounts in respect of that financial year to be tabled at the annual meeting.

The accounts must be prepared in accordance with the following principles:

- (a) there must be an abstract of accounts of all moneys received and expended during the financial year that gives a true and fair view of the incoming resources and the application of the resources in that financial year;
- (b) there must be a statement of all assets and liabilities of and in connection with the parish as at the end of the financial year that gives a true and fair view of the state of affairs of the parish at the end of that financial year.

The notes in Schedule 3 to the Act must be provided with the accounts to the extent necessary to show a true and fair view of the accounts.

The churchwardens must—

- (a) show the accounts to the parish council before the annual meeting;
- (b) submit the accounts to the auditors or the independent examiner together with all accounting records required by the auditors or the independent examiner;
- (c) have the accounts, the certificate of the auditors or the independent examiner, and the statements and balance sheets obtained by them printed and made available in printed form to the parishioners attending the annual meeting; and
- (d) send to the Registrar within seven days after the annual meeting two copies of the documents printed for the annual meeting.

The churchwardens must—

- (a) inform the annual meeting of any material change, as at the date of the meeting, in the income, expenditure, assets or liabilities from that shown in the accounts and the budget presented to the meeting; and
- (b) immediately after the annual meeting, give to their successors, all accounting records and other documents relevant to the financial administration of the parish.

### **Audit and independent examination**

The annual meeting of a parish whose total receipts in the financial year immediately preceding that annual meeting exceed \$250,000 must appoint an auditor.

The annual meeting of a parish with total receipts in the preceding financial year of \$250,000 or less must appoint either—

- (a) an auditor; or
- (b) an independent examiner.

If at any time a position of auditor or independent examiner becomes vacant, the parish council must appoint an auditor or independent examiner to fill the vacancy.

An auditor or independent examiner appointed under this section holds office until the next annual meeting unless in the meantime the auditor or independent examiner dies, resigns, or is removed by resolution of a special meeting.



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### **Qualifications of auditors and independent examiners**

Section 44 of the Act sets out the qualifications of an auditor, and section 46 sets out the qualifications of an independent examiner.

In essence, an auditor must be qualified to audit the accounts of a company or an incorporated association, while an independent examiner must be someone who the churchwardens reasonably believe has the requisite ability and practical experience to carry out a competent examination of the accounts.

### **Duties of auditors and independent examiners**

Section 45 of the Act sets out the duties of an auditor, and section 47 sets out the duties of an independent examiner.

Every auditor and independent examiner should be provided with Division 6 of Part 5 of the Act, and preferably the whole Act.

An auditor or independent examiner carrying out an audit, review or examination has a right of access to any books, documents and other records (however kept) which relate to the parish and which the auditor or independent examiner considers it necessary to inspect for the purpose of carrying out the audit, review or examination.

An auditor or independent examiner may require such information and explanations from past or present parish officers or clergy of the parish as he or she considers it necessary to obtain for the purposes of carrying out the audit, review or examination.

### **Accounts to be dealt with by annual meeting**

The annual meeting may receive and adopt the accounts or may refer them back to the churchwardens and auditors or the independent examiner for further report and information and may adjourn the annual meeting for the purpose of considering them further.

If the churchwardens do not at the annual meeting of a parish have the accounts and the certificate of the auditors or the independent examiner printed and made available in printed form to the parishioners attending that annual meeting, the person chairing that meeting must, when all the other business of the meeting has been concluded, adjourn the meeting to a date not later than the end of February next following, for the purpose of considering at that meeting so adjourned the accounts so certified.

### **Registrar's request for further information**

The Registrar may refer the accounts back to the churchwardens and the auditors or independent examiner for further information, and when that happens the churchwardens and the auditors or independent examiner who were in office at the time of the previous annual meeting must supply the information.

### **Audit by Registrar**

If it appears to the Registrar on reasonable grounds that the churchwardens or the auditors or independent examiner have not complied with relevant provisions of the Act, the Registrar may cause an audit to be undertaken of the accounts for that year.



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### **Registers, records and other documents**

The vicar must keep have the custody and control of the registers and records relating to baptisms, confirmations, marriages, funerals, memorial services, burials, interments of ashes, and public worship.

The registers and records must be in the form and include the information required by the Archbishop in Council.

The churchwardens must provide the vicar with the necessary books and with a safe place to store them.

The registers and records are the property of the parish and not of the vicar by whom they were compiled, and at the end of an incumbency or when the incumbent is suspended, he or she must surrender all the registers and records under his or her control to the churchwardens, who must give the incumbent a written receipt for them. The churchwardens must hand to an incoming incumbent the registers and records of the parish and the incumbent must give the churchwardens a written receipt for them.

The Archdeacon or Area Dean may inspect any books, registers, records or legal documents of a parish and report on their condition if required by the Archbishop to do so.

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.

### **Periodic parish reviews**

A parish may with the consent of the parish council and the agreement of the Archbishop on the recommendation of the Registrar and the relevant Archdeacon (or, in the case of a parish the incumbent of which is the Archdeacon, the relevant Regional Bishop) conduct a periodic review in accordance with this section.

The purpose of a periodic review is to generate information based on common criteria regarding the health and potential for the church in the diocese, and to assist the Archbishop in Council, Regional Councils, Archdeacons and the parish itself in understanding and planning for the future. The scope of the review must include the effectiveness of the governance of the parish.

The parish council must collect the data prescribed by Archbishop in Council for use in all periodic reviews of parishes. The data may include statistical and quantitative data, and information gathered from parish officers and parishioners.

The data is to be assessed by an external reviewer and made the basis of a report to the parish and to the Regional Council.

Within three months of the completion of the report, the report must be presented to and discussed at a special meeting of the parish called for the purpose which is chaired by the Archdeacon (or, in the case of a parish of which the Archdeacon is the vicar, the Regional Bishop or some other Archdeacon nominated by the Archbishop or the Regional Bishop) and at which the external reviewer is present and able to speak.

The external reviewer is a person appointed by the Registrar after consultation with the Archdeacon (or, in the case of a parish of which the Archdeacon is the vicar, with the Archbishop or the Regional Bishop) from a panel approved by the Archbishop in Council.



## **PROPERTY, USE OF BUILDING, AND INSURANCE**

### **Property held for parish purposes**

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 vicar and parish council and the written consent of the Archbishop.

A monument must not be placed within or on the walls of a church without a faculty from the Archbishop.

The churchwardens must not remove or reinstate anything installed, added, altered or removed otherwise than in accordance with this section or without any necessary faculty, but these provisions do not prevent the churchwardens from repairing and maintaining the fabric, fittings and furniture of a church as closely as possible to their original condition.

The word "fittings" includes monuments, stained glass windows and any fixtures primarily ornamental or decorative affixed to or incorporated into the fabric of the church.

The churchwardens, with the consent of the vicar and parish council, may permit any monument to be placed in any part of a church or church grounds upon payment of such charges and subject to such regulations as are prescribed 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.

### **Property rights of the incumbent and vicar**

The vicar is entitled to the means of access (including keys, security passes and security codes) to all the worship centres and other buildings of the parish used for parish purposes, and is to have unimpeded access at all times to the worship centres and those other buildings.

The vicar 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.

The incumbent is entitled to reside in the vicarage and, when resident, to the free and unimpeded use and enjoyment of the vicarage and any land associated with it, but he or she is not allowed not let or otherwise part with possession of the vicarage, and if the he or she 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.

The incumbent must not, without the prior consent in writing of the Archbishop following consultation with the parish council, reside beyond the boundaries of the parish.

The rights and entitlements of an incumbent continue only for as long as he or she is the incumbent.

### **Parish insurance**

A parish must maintain adequate insurance for—

- (a) all the buildings of the parish;
- (b) the contents of all the buildings of the parish;
- (c) loss or damage occurring in connection with the ownership, management, control or use of the buildings of the parish and their contents and of the grounds of the parish; and



(d) any liability of the parish officers incurred in that capacity (including any legal fees, fines or penalties) other than as a result of their fraud or wilful misconduct,

but not for anything insured by the Diocese under the relevant diocesan legislation. If the Diocese pays this insurance, the parish must pay the premiums determined under the legislation.

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 provide to the Registrar a copy of the inventory as it is updated from time to time.

### **Use of property and public worship**

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.

A meeting (other than a duly called statutory parish meeting or a meeting of a parish council or vestry) may not be held in any parochial building (including a worship centre) without the consent of the vicar.

Except with the prior written authorization of the Archbishop, the vicar and the churchwardens, a worship centre must not be used for any purpose other than public worship, the administration of the sacraments, the performance of the rites and ordinances of the Anglican Church or religious instruction or devotion.

Public worship must be conducted in accordance with the forms of service in the Book of Common Prayer, An Australian Prayer Book, or A Prayer Book for Australia, deviations permitted by the Archbishop, or permissible variations to those forms of no substantial importance.

No-one other than the Archbishop or the relevant Regional Bishop may perform a clerical office in a worship centre without the consent of the vicar and the Archbishop, except for a member of the clergy in the Diocese with a licence or a PTO with the consent of the vicar<sup>2</sup>.

The time or mode of conducting the principal service in a worship centre may be changed only with the consent of the vicar and the parish council given at a meeting summoned for the purpose and ratified at another meeting not more than six months later.

## **PARISH CO-OPERATION**

Two or more parishes may enter into co-operative arrangements under the Act. There are provisions concerned with co-operative arrangements that involve the sharing of property, ministry or governance., and others concerned with co-operative arrangements that involve the use of shared resources.

### **Shared property, ministry or governance**

Two or more parishes may enter into an arrangement by which, while retaining their legal status as parishes, they share responsibility for and access to one or more of ministry, mission and property, and put in place the joint governance to the necessary extent.

Before an arrangement is entered into a statutory parish meeting of each parish and the Archbishop in Council must approve a written agreement, to be signed by the churchwardens of each parish, that sets out, insofar as any of these matters is within the scope of a parish and subject to sub-section (3):

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<sup>2</sup> Or with the consent of the Archbishop if the vicar is absent or under an incapacity.



- (a) the motivation for the parish;
- (b) the outcomes sought from the parish;
- (c) how it will be evaluated;
- (d) the specific arrangements and agreed expectations regarding:
  - (i) governance and leadership roles;
  - (ii) voting rights and election processes;
  - (iii) the shared use of and access to property;
  - (iv) the application of income derived from the use of property,
  - (v) the maintenance of property and any associated costs;
  - (vi) responsibility for insurance and risk management in relation to shared resources;
  - (vii) making appointments and the supervision of staff and contractors;
  - (viii) financial arrangements;
  - (ix) reporting and the sharing of information;
  - (x) the times and mode of public worship services;
  - (xi) licensed ministry and other clergy, including how they are to be appointed, supervised, evaluated and replaced;
  - (xii) appointing, supervising, evaluating and replacing other paid and unpaid staff.
  - (xiii) what is to happen if one parish fails to adhere to the agreement;
  - (xiv) how disputes are to be resolved;
  - (xv) how the arrangement is to be reviewed and can be terminated;
- (e) a provision that the agreement is terminated automatically on the expiration of 10 years from the date it was last made unless it is renewed with the consent of a statutory parish meeting of each parish and the Archbishop in Council.

However, a term in an agreement that alters or modifies the operation of this Act or any other Diocesan legislation as it applies to one or more of the parishes who are parties to it has effect only if the term is set out in a schedule separately approved by the Archbishop in Council.

Once approved and in place, an agreement must be lodged with the Diocesan registry.

A co-operative agreement of this sort may provide that the parishes come together as a ministry area.

### **Arrangements for the sharing of resources**

Two or more parishes may enter into an arrangement for jointly sourcing goods or services or for cooperative activity in the ministry and mission of the church.

Such an arrangement must be set out in a written agreement, approved by the parish council of each parish concerned and by the Archbishop in Council and signed by the churchwardens of each parish concerned, covering:

- (a) the motivation for the parish and the outcomes sought;



- (b) how the arrangement will be evaluated;
- (c) the specific arrangements and agreed expectations regarding:
  - (i) governance and leadership roles;
  - (ii) financial arrangements, including how profits and losses are to be allocated;
  - (iii) responsibility for insurance and risk management in relation to shared resources;
  - (iv) appointing and supervising service providers;
  - (v) reporting and the sharing of information;
  - (vi) what is to happen if a parish fails to adhere to the agreement;
  - (vii) how disputes are to be resolved;
  - (viii) how the arrangement is to be reviewed and can be terminated;
- (d) the automatic termination of the agreement on the expiration of five years from the date it was last made unless it is renewed by the churchwardens of the parishes concerned.

A term in an agreement that alters or modifies the operation of this Act or any other Diocesan legislation as it applies to one or more of the parishes who are parties to it has effect only if the term is set out in a schedule separately approved by the Archbishop in Council.

Such an agreement must be lodged with the Diocesan registry.

## **INCREASED DIOCESAN INVOLVEMENT**

### **Supported parishes**

Where the Archbishop in Council considers that—

- (a) it is necessary for the advancement of the church that a parish be established or retained in a particular geographic area, and
- (b) it is unrealistic to expect that the resources required to maintain a viable parish and to discharge the functions and responsibilities imposed by this Act and by other laws can be found within that parish—

it may designate the parish a supported parish.

Generally speaking, before a parish is designated a supported parish the Archbishop in Council must consult the vicar and the parish council and a statutory parish meeting must agree to the designation.

In relation to a supported parish, by written agreement to which the parties are the Archbishop, the relevant Regional Bishop or the relevant Archdeacon, the Registrar and the churchwardens of the parish—

- (a) the Registrar may assume any or all of the responsibilities of the parish council, churchwardens, treasurer or parish secretary contained in this Act or the parish rules for meetings and officers; and
- (b) the requirements of this and any other Diocesan legislation in relation to meetings and elections may be altered, while preserving as far as possible the right of parishioners to participate in making decisions relating to the life of the parish.



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### **Diocesan review**

The Archbishop in Council, on the written recommendation of any two diocesan authorities may direct and authorize the Registrar to examine the records and affairs of a parish and report to the Archbishop in Council and the churchwardens.

The vicar and the parish officers must give to the Registrar or anyone appointed by the Registrar for the purpose of assisting in the examination, immediately on being requested to do so, access to and, if so requested, copies of any books, registers, accounts, bank statements, minutes (together if necessary with any signatures, codes or passwords necessary to read them) that the vicar or parish officer is by virtue of any Act of the Diocese or any law of the Commonwealth of Australia or State of Victoria, required to bring into being and retain.

### **Appointment of Diocesan manager**

The Registrar may apply to Archbishop in Council for the appointment of a Diocesan manager to conduct the affairs of a parish.

The Act contains detailed provisions about how a Diocesan manager is appointed and paid, and the consequences for the parish during the period of diocesan management.

### **Discontinuing a parish**

The Act sets out a detailed process for discontinuing parishes.

## **RESOLVING DISPUTES**

### **Irregularities in parish governance**

If the vicar or a parish officer fails or allegedly fails to follow a requirement or process in this Act or a parish's parish rules for meetings and officers, the Archbishop in Council may take whatever steps it deems necessary and appropriate to correct or overcome the consequences of that failure or alleged failure.

The steps that the Archbishop in Council may take include, but are not limited to—

- (a) holding a meeting, conducting an election or making an appointment;
- (b) extending the time (whether or not it has expired) within which an act may be done;
- (c) declaring any decision, action, process or appointment valid despite any irregularity or omission;
- (d) appointing a person to conduct an election or do any other thing;
- (e) appointing sufficiently qualified persons to constitute a parish council until the churchwardens and members of a parish council have been elected or appointed under the parish's parish rules for meetings and officers;
- (f) annulling any previous election, appointment, action or decision, but only to the extent necessary to enable the consequences of the original failure to be overcome or corrected.

The Archbishop in Council may settle and determine all doubts and disputes which may arise with reference to—

- (a) the election of any parish officer;



(b) the transaction of business by parish officers—

and may from time to time make or alter regulations for the conducting of elections and transaction of business and may also settle and determine all doubts and disputes in relation to those matters.

### **Grievances relating to the parish electoral roll and election of Synod representatives**

A person aggrieved by—

- (a) any enrolment or refusal of enrolment on the roll of a parish; or
- (b) the removal of any name or the refusal to remove any name from the roll of a parish; or
- (c) the allowance or disallowance of any vote given or tendered as a result of grievance in relation to any such enrolment, removal or refusal—

may within 14 days of the person first becoming aware of the facts or circumstances giving rise to the grievance appeal in writing to the Archbishop in Council.

The Archbishop in Council may appoint a person to gather such evidence and material as is necessary for it to consider and decide the appeal.

The decision of the Archbishop in Council on an appeal is final.

The Archbishop in Council may extend the time within which an appeal may be given under this section.

Every appeal in respect of an election held under the *Synod Act 1972* for the election of lay representatives or alternative lay representatives must be determined by the Election Committee established under that Act.

### **Parish Decision Mediation Panel**

The expression “**parish decision**” means, in relation to a decision, action or function that is not spiritual—

- (a) a decision or action by a diocesan authority under a provision in this Act; and
- (b) a failure or alleged failure by a diocesan authority—
  - (i) to follow a process provided for in this Act;
  - (ii) to honour a commitment to a parish on which significant reliance has been placed by the parish; or
  - (iii) to adhere to the rules of natural justice in making a decision or deciding on a course of action.

### **Parish Decision Mediation Panel**

The Parish Disputes Mediation Panel. comprises between 5 and 8 persons appointed by the Archbishop in Council.

### **Mediation**

A parish officer may make a complaint in relation to most parish decisions. A complaint must in the first instance be given in writing to the Registrar, who must refer it to the member of the Panel next in line by rotation. The mediator must attempt to resolve the complaint within 60 days.



### Extent of liability of parish officers and others

To the extent permitted by law, a diocesan authority, vicar, parish officer or treasurer is not personally liable for any loss occasioned by the exercise of any discretion or power conferred on that person under this Act or by that person's failure to comply with any duty responsibility or obligation under this Act other than a loss attributable to that person's—

- (a) fraud or dishonesty; or
- (b) wilful failure to comply with this Act or other wilful misconduct.

### PARTICULAR TERMS

Some important terms are:

**“communicant member”** means a person who is on the parish electoral roll and who is eligible to be admitted to Holy Communion under the Admission to Holy Communion Canon 1973 of the General Synod of the Anglican Church;

**“diocesan authority”** means the Archbishop and the Archbishop in Council, a Regional Bishop, Regional Council, an Archdeacon, the Registrar and the Director of Diocesan Services;

**“financial year”** means the year ending at midnight on 30 September;

**“parish officer”** includes a person in a parish (other than the vicar) who is a churchwarden, member of the parish council, member of the incumbency committee or member of a vestry;

**“statutory parish meeting”** means any annual meeting, special meeting, parish electoral meeting, special parish electoral meeting, or meeting of parishioners on a local electoral roll provided for in this Act, the regulations or a parish's parish rules for meetings and officers;

**“vestry”** in relation to a worship centre means the vestry established by the parish's parish rules for meetings and officers;

**“vicar”** means—

- (a) the incumbent;
- (b) a clerk appointed temporarily by the Archbishop to perform the ecclesiastical duties of the incumbency;
- (c) if there is no incumbent and no clerk appointed under paragraph (b), or if such a person is absent from the parish on leave, the Archdeacon;

**“worship centre”** means a place within the parish used regularly by the parish for public worship, and includes a principal worship centre and a local worship centre.

**“principal worship centre”** means the principal place of worship referred to in section 8, and **“local worship centre”** means a worship centre within the parish other than the principal worship centre.



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## PARISH RULES FOR MEETINGS AND OFFICERS — SCHEDULE 1

### Notes:

It is pointless summarizing all the rules, because incumbents and parish officers need to become familiar with them as they are, and they are difficult to summarize.

These guidelines—

- (a) draw attention to some really important provisions, especially ones that change past practice, and
- (b) include a summary of the permitted changes that parishes may consider.

### IMPORTANT CHANGES

- The churchwardens (not the vicar) give parishioners notice of statutory parish meetings.
- Notice of a statutory parish meeting must be displayed prominently on or near the main entrance to each worship centre and where necessary it must be given or distributed in other ways that are likely to inform parishioners of the meeting.
- Nominations for election must be received by the vicar at least 4 days before the time fixed for the meeting *and* before the time of the first service on the Sunday preceding the meeting. Nominations must be displayed for at least 48 hours before the meeting.
- A special meeting must be convened if the majority of the whole number of members of the parish council so decides, at the request of two churchwardens, or on the written request of at least 20 parishioners.
- A special election meeting is convened in the event that the number of lay members of the parish council falls to less than half the total number of its elected and appointed members. The business of a special election meeting is to fill any casual vacancies in the positions of elected churchwardens or members of the parish council.
- A quorum at a statutory parish meeting of a parish is 10 parishioners or one third the number of parishioners on the parish electoral roll, whichever is greater.
- If a statutory parish meeting lapses before voting has been completed for an election to be held at the meeting, the vicar must convene a further statutory parish meeting to hold the election.
- The parish council consists of the vicar, three churchwardens (one appointed by the vicar) and 9 other persons, one-third nominated by the vicar.
- The parish council may co-opt a parishioner to assist the council for such a period (up to the next parish annual meeting) as the council determines and that person has the a right to attend and speak at but not vote at meetings of the Council
- A member of the clergy licensed to or authorized for service in the parish and a stipendiary lay person appointed to the parish may attend and speak but not vote at meetings of the parish council.
- Someone who has been for a continuous period of six years in any capacity a lay member of the parish council (including a person co-opted) is not eligible for election or appointment as a churchwarden or parish council member council (or to become a member of the parish council by election or appointment as a treasurer or parish secretary) at any time in the 12 months immediately



following that six year period. This does not mean that a person is ineligible at or following an annual meeting if they have not been in any capacity a lay member of the parish council since the conclusion of the previous annual meeting (that is, after one year off they become eligible again).

Note that under the transitional legislation someone serving at the time when the new legislation comes into force will be deemed as of the 2014 annual meeting to have served for the shorter of 3 years or the time that they've actually served as of that date.

*Examples:*

|          | <b><i>Service history</i></b>                             | <b><i>Becomes <u>ineligible</u></i></b> |
|----------|---|---|
| <i>A</i> | <i>Vestry since 2012 annual parish meeting</i>            | <i>2018 annual meeting</i>              |
| <i>B</i> | <i>Vestry since brought on to fill vacancy April 2012</i> | <i>2018 annual meeting</i>              |
| <i>C</i> | <i>Churchwarden since 1978</i>                            | <i>2017 annual meeting</i>              |
| <i>D</i> | <i>Vestry 2008-10, warden since 2010</i>                  | <i>2017 annual meeting</i>              |
| <i>E</i> | <i>Vestry 1999-2011, warden since 2013</i>                | <i>2019 annual meeting</i>              |

- The office of a churchwarden becomes vacant if he or she holds a remunerated office in the parish without the consent of the Archdeacon; is or becomes a member of the immediate family of the incumbent, or becomes the treasurer of the parish (except temporarily).
- If the number of lay members of the parish council (inclusive of the churchwardens) is equal to or less than half its full number, the parish council cannot make any decisions or undertake any action other than what is necessary to convene a special election meeting within three to six weeks. However, the churchwardens or the remaining churchwarden or churchwardens may continue to discharge all the powers and functions vested in them by the Act and these rules notwithstanding the number of vacancies in the parish council.
- The parish council may appoint acting churchwardens or an acting treasurer.
- A meeting of the parish council shall be convened upon request by four of its members.
- A member of the parish council who has a pecuniary interest in a matter before the council must—
  - (a) declare that interest at the first occasion on which it becomes apparent that the matter is to be discussed at, referred to or considered by the meeting;
  - (b) not vote on any question in relation to that matter; and
  - (c) if so requested by—
    - (i) the chair of the meeting; or
    - (ii) the meeting following a secret ballot requested by any member of the parish council (without the requirement of a seconder)—
 be absent from and out of sight and hearing of the meeting during any discussion or consideration by the meeting, and during any vote in relation to the matter.

In addition to any other basis on which a member of a parish council may be considered to have a pecuniary interest in a matter, the member has a pecuniary interest if the matter concerns the financial interests of the council member, of a member of the immediate family of the council member, or of any business or organization (whether profit-making or not) of which the council member or a member of



the immediate family of the council member is an office holder.

- The minutes of statutory parish meetings and of the parish council must be publicly displayed.

## GUIDE TO CHOICES FOR MODIFIED PARISH RULES

### Giving notices

Under rule 2.5, notice of a statutory parish meeting must be displayed prominently on or near the main entrance to each worship centre and where necessary it must be given or distributed in other ways that are likely to inform parishioners of the meeting.

Does your parish want to *require* (as a matter of law) any of the additional forms of notice?:

- \* sending by post to all parishioners;
- \* posting on the parish website;
- \* posting on the parish website accessible only to parishioners;
- \* sending as an email attachment to all parishioners.

If so, which of the following must be distributed in that way?:

- \* notice of any statutory parish meeting,
- \* notice of nominations for election;
- \* proposed modified parish rules for meetings and officers;
- \* papers to be distributed at the meeting.

### Closing time for nominations and display of nominations

Under rule 3.2, the closing time for nominations is 96 hours (4 days) before the annual meeting (or special election meeting).

Does your parish want the closing time to be instead 5, 6, 7, 8, 9 or 10 days before the meeting?

Under rule 3.3 the nominations must be publicly displayed for 48 hours before the meeting.

Does your parish want nominations to be displayed for longer than 48 hours? (You can choose any number of hours or days, but it must be greater than 48 hours, and less than the period chosen for the closing time for nominations.)

### Calling for special parish meetings

Under rule 4.1, special meetings can be called in various ways, and one way is on the written request of 20 parishioners.

Does your parish want to establish some other number of parishioners able to request a special meeting? You can choose any number between 10 parishioners and one-third of the number of parishioners, and express it either as a number or as a proportion.



*Examples:*

| <i>Number of parishioners</i> | <i>Permitted variant rule</i>  | <i>Rule not permitted</i> |
|-------------------------------|--|---------------------------|
| 120                           | 40 parishioners  | 50 parishioners           |
| 120                           | 15 parishioners  |                           |
| 120                           | 10% of parishioners  |                           |
| 60                            | 15 parishioners  | 10% of parishioners       |
| 28                            | <i>There are no permitted variants, because any of 10 or more would exceed 33%, and any percentage lower than 33% would yield a number less than 10.</i> |                           |

**Threshold for special election meetings**

Under rule 5.1 a special election meeting must be convened if the number of lay members of the parish council falls to less than half the total number of elected and appointed members.

Does your parish want to fix a number that is the equivalent of more than half the number of parish council members?

**Increasing the quorum for statutory parish meetings**

Under rule 7.3, a quorum at a statutory parish meeting of a parish is 10 parishioners or one third the number of parishioners on the parish electoral roll, whichever is greater.

Your parish cannot adopt a lower quorum. (So, a parish with 250 parishioners cannot set the quorum at 80 parishioners.)

Does your parish want to *increase* either the number of parishioners, or the proportion, or both?

*Examples:*

- \* *20 parishioners or one-third the number of parishioners on the parish electoral roll, whichever is greater;*
- \* *10 parishioners or half the number of parishioners on the parish electoral roll, whichever is greater;*
- \* *20 parishioners or half the number of parishioners on the parish electoral roll, whichever is greater.*

**Size and selection of parish council**

The options here require reference to rules 10, 18 and 19.

The default size of the lay members of the parish council is 12: three churchwardens and 9 others, or whom two must be the parish secretary and the parish treasurer.

All the options require that there be three wardens, a secretary and a treasurer.

(1) How many lay members of the parish council (including the wardens) does your parish wish to have? The choices are 6, 9 or 12.



(2) Does your parish want the treasurer to be appointed by the churchwardens (default), appointed by the parish council or elected by the annual meeting?

(3) Does your parish want the secretary to be appointed by the parish council (default), appointed by the churchwardens or elected by the annual meeting?

**Power to co-opt to parish council**

Rule 10.2 allows the parish council to co-opt parishioners to be additional non-voting members.

Does your parish want to retain that option?

**Staff attending meetings of the parish council**

Rule 10.3 allows specified parish staff (clergy licensed or authorized to a parish and stipendiary ministers) to attend and speak at parish council meetings, but not to vote.

Does your parish want to add to the list of staff able to attend and speak? There is an option to add further positions, such as the director of music or youth outreach coordinator.

**Right of parishioners to attend parish council meetings**

Does your parish want to give parishioners the right to be present at meetings of the parish council other than parts of the meeting that the council decides are closed (but not to speak except by invitation)?

**Quorum for the council**

Rule 11.1 establishes the quorum of a council as being a majority of its members.

Does your parish want to establish the quorum as being a number of members (which must be more than half)?

*Note that the vicar is a member of the vestry, so that the default r 11.1 establishes the following quorums:*

| <b>Lay members of of vestry</b> | <b>Quorum (including the vicar)</b> |
|---------------------------------|-------------------------------------|
| 6                               | 4                                   |
| 9                               | 6                                   |
| 12                              | 7                                   |

**Term of parish council members**

The rules establish that all wardens and parish council members hold office for one year (that is, from annual meeting to annual meeting).

Does your parish want each elected churchwarden to hold office for two years, with one retiring by rotation at each annual meeting?



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Does your parish want each elected parish council member to hold office for two years, with half retiring by rotation at each annual meeting?

*Note, in each case if the annual meeting also fills additional casual vacancies a number of those elected equivalent to those casual vacancies must retire at the next annual meeting.*

### **Length of sabbatical**

Rule 13.2 means that a churchwarden or member of the parish council must have one year off the parish council after 6 years of continuous service.

Does your parish want to make the period off more than one year?

### **Treating apology as leave of absence**

Rule 14.1 says that a warden or member of the parish council ceases to hold office if they are absent from more than 3 meetings without leave of absence.

Rule 14.3 goes on to say that accepting an apology for absence from a meeting is to be taken as granting leave of absence for that meeting.

Does your parish want accepting an apology to count as granting leave of absence?

### **Appointing the parish treasurer**

Rule 18 says that the parish treasurer is appointed by the churchwardens.

Does your parish want the parish treasurer to be appointed by the parish council, or to be elected by the annual meeting?

### **Appointing the parish secretary**

Rule 19 says that the parish secretary is appointed by the parish council.

Does your parish want the parish treasurer to be appointed by the churchwardens, or to be elected by the annual meeting?

### **Duties of the parish secretary**

Rules 19.2 states that the parish council determines the duties of the parish secretary.

Does your parish want to set out formally the duties of the parish secretary?

### **Number of meetings of the parish council**

Rule 22.1 says that the parish council must hold such meetings as are necessary for the performance of its functions.

Does your parish want to fix a minimum number of meetings each year for the parish council?

Alternatively, does your parish want to fix a maximum interval between meetings of the parish council?



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### Displaying minutes of parish council meetings

Rule 24.1 says that minutes of statutory parish meetings and parish council meetings must be public displayed.

Does your parish want to require that in addition minutes of statutory parish meetings be made available in other ways (*eg*, on the parish website)?

Does your parish want to require that in addition minutes of parish council meetings be made available in other ways (*eg*, on the parish website)?

Alternatively, does your parish want to remove any requirement that minutes of meetings be public displayed?

### ADDITIONAL CHOICES FOR PARISHES WITH LOCAL WORSHIP CENTRES

*Note: the choices referred to here are still part of the **parish's** rules. It is up to the parish to decide whether the relevant rules will be modified in relation a particular local worship centre, not up to the local worship centre to decide.*

#### Quorum for statutory meetings in local worship centres

Rule 25.2 says that the rules relating to a statutory parish meeting apply to a local annual meeting, a local special meeting and a local special electoral meeting.

Does the parish want the quorum for such meetings in particular worship centres with 30 or fewer parishioners to be lower? In worship centres with fewer than 30 parishioners, the quorum for a local statutory meeting can be set as low as the greater of 4 and one-third the number of local parishioners.

#### Right of parishioners on local electoral roll to attend vestry meetings

Does your parish want to give parishioners on a local electoral roll the right to be present at meetings of their vestry other than parts of the meeting that the vestry decides are closed (but not to speak except by invitation)?

#### Displaying minutes of vestry meetings

Rule 29.1 says that minutes of local statutory parish meetings and vestries must be publicly displayed.

Does your parish want to require that in addition minutes of statutory parish meetings of a particular local worship centre be made available in other ways (*eg*, on the parish website)?

Does your parish want to require that in addition minutes of meetings of the vestry of a particular local worship centre be made available in other ways (*eg*, on the parish website)?

Alternatively, does your parish want to remove any requirement that minutes of meetings of a particular local worship centre be public displayed?



**Actions and notifications**

**A GUIDE FOR VICARS AND PARISH OFFICERS TO WHAT MUST BE DONE ANNUALLY WITHIN PARTICULAR TIMES**

| <b>Topic</b>   | <b>What must be done</b>   | <b>Legislative provision</b> | <b>Consequences of non-compliance</b>   |
|--|--|------------------------------|---|
| Declaration by office holders (including incumbency committee members) | A person appointed or elected to a parish office must not perform any duties of that office before signing a declaration in or to the effect of the prescribed form.   | PGA s 20(1)                  | If a person fails to comply <u>within one month</u> of being appointed or elected, the office becomes vacant.         |
| Churchwarden on incumbency committee                                   | Within 30 days of an annual meeting <u>or before the first meeting of the parish council following an annual meeting (whichever occurs first)</u> , the churchwardens must appoint a churchwarden to be a member of the incumbency committee.  | PGA s 21(2)                  | Unfillable vacancy until the next annual meeting  |
| Signatories for payments   | The parish council must determine the signatories for payments   | PGA s 34(3)                  | It may not be possible to make payments in accordance with the legislation, and/or to have them accepted by the bank. |
| Financial reports to Registrar   | The churchwardens must send to the Registrar <u>within seven days after the annual meeting</u> two copies of the accounts, the certificate of the auditors or the independent examiner, and the statements and balance sheets that were made available in printed form to the parishioners attending the annual meeting. | PGA s 42(4)                  | None, but Registrar may request further information or initiate further investigation                                 |
| Handing over financial records   | The churchwardens immediately after the annual meeting, give to their successors, all accounting records and other documents relevant to the financial administration of the parish.   | PGA s 43(5)                  | None, except for general governance oversight and possible appeal to Archbishop in Council.                           |



|   |  |              |   |
|---|--|--------------|---|
| Vicar's appointments                            | The vicar must announce to the parishioners within 30 days of becoming entitled to appoint a person as churchwarden and or member of the parish council the name of each person appointed. | Rule 20.1    | None (vicar may fill vacancy) unless as a result total number falls below threshold to trigger special election meeting |
| <b>Notification to the Registrar</b>            |  |              |   |
| Modified parish rules                           | A parish must state in its annual statistical return whether it has modified parish rules for meetings and officers and the date on which those rules cease to have effect                 | PGA s 16(16) | None  |
| Notification of members of incumbency committee | As soon as possible after a parishioner becomes a member of the incumbency committee, the parish must inform the Registrar of his or her name and postal address.                          | PGA s 21(6)  | Will not be summoned if the committee is convened.  |
| Name and address of parish secretary            | The name and postal address of the parish secretary must be given to the Registrar.  | Rule 19.3    | None  |

+ approve budget

+ produce/review risk management plan