

## PART 3 WARDENS

### 2.9 Wardens for each church

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

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

### 2.10 A person as a warden of more than one church

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

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

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

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

### 2.11 Acts of the wardens

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

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

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

### 2.12 Qualifications to be a warden

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

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

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

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

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

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

(6) A person who is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012 may not be appointed or elected as a warden.

**Note:** See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.

### 2.13 Election and appointment of wardens

(1) Two qualified persons are to be elected as wardens in accordance with rule 3.1(1)(j), 3.1(2)(j) or this rule and one is to be appointed by the minister in accordance with rule 3.15 or this rule.

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

(3) If the minister fails to nominate a warden prior to the election required by rules 3.1(1)(j) or 3.1(2)(j), he may do so at any time after the relevant meeting but must endeavour to do so as soon as possible.

(4) A person who is proposed or nominated for election or appointment as a warden must make the following declaration –

“I declare that I am a communicant member of the Anglican Church of Australia and have not been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”

**Note:** See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.

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

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

### 2.14 End of appointment of warden

(1) The office of a warden becomes vacant –

- (a) if the warden –
  - (i) dies, or
  - (ii) resigns, or

- (iii) becomes an bankrupt, or
  - (iv) becomes mentally ill or otherwise incapable of acting, or
  - (v) becomes engaged as an employee who is paid from the funds of the parish or church, or
  - (vi) is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012, or
- (b) in the case of an elected warden –
- (i) on appointment as a warden by the minister, or
  - (ii) on the election of a successor, or
- (c) in the case of an appointed warden –
- (i) on the appointment, as referred to in rule 3.15, of the warden's successor, or
  - (ii) on election as a warden.

**Note:** Rule 1.1(5) defines when a person becomes bankrupt or mentally ill. See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.

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

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

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

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

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

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

### 2.15 Delivery of keys and papers etc to successors

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

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

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

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

## **PART 4 MINISTER**

### ***DIVISION 1 SPIRITUAL WELFARE***

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

### ***DIVISION 2 APPOINTMENT OF OFFICERS***

#### **3.15 Warden**

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

#### **3.16 Parish councillors**

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

#### **3.17 Organist, musician, choirmaster and choir**

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

#### **3.18 Parish organisations**

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

#### **3.18A Safe ministry representatives**

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