

Parishes (COVID-19 and General Meetings) Ordinance 2020

No 23, 2020

Long Title

An Ordinance to provide special arrangements for holding general meetings of parishioners in the context of the public health emergency caused by the COVID-19 pandemic.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Parishes (COVID-19 and General Meetings) Ordinance 2020.

2. Interpretation

(1) In this Ordinance –

“online service of public worship” means a form of service of a church or parish that is transmitted via the internet as a livestream or pre-recorded video that is intended as a temporary substitute for services of public worship in the church building(s) while those services are suspended, and

“Prescribed Period” means the period starting on the commencement of this Ordinance and for the purposes of –

- (a) an annual general meeting – ending on 31 July 2020 or such later date determined by the Archbishop in writing, and
- (b) any other general meeting - ending on the date determined by the Archbishop in writing.

(2) Definitions in the *Parish Administration Ordinance 2008* as in force from time to time apply to this Ordinance, subject to the modifications set out in clause 7.

3. Options for conducting general meetings of parishioners during the Prescribed Period

During the Prescribed Period, if a parish or a church within a parish has not, prior to the commencement of this Ordinance, held its annual general meeting of parishioners for 2020, or there is any business connected with the parish or church that is required to be dealt with by a general meeting of parishioners –

- (a) the parish council may –
 - (i) subject to clause 4, undertake any of the business of the annual general meeting or general meeting of the parish or church (except the business under rule 3.1(1)(l) of Schedule 1 and Schedule 2 of the *Parish Administration Ordinance 2008*), or
 - (ii) subject to clause 5, convene the annual general meeting or a general meeting of parishioners remotely by the use of technology, if in the opinion of the parish council holding the meeting by this means is reasonably practicable in the circumstances, or
- (b) subject to clause 6, the minister and wardens of a parish or church may convene the annual general meeting or a general meeting of the parishioners of the parish or church by the traditional means set out in Chapter 4 of the *Parish Administration Ordinance 2008*.

4. General meetings conducted by the parish council

(1) For the purposes of subclause 3(a)(i) –

- (a) a special meeting of the parish council convened in accordance with Rule 4.8(3) of Schedule 1 and Schedule 2 of the *Parish Administration Ordinance 2008* is deemed to be a general meeting of parishioners of the parish or church if the notice of meeting states that the purpose of the meeting is to conduct the business of the annual general meeting of parishioners or other business required to be dealt with at a general meeting,
- (b) notice must be given to parishioners as follows –

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- (i) by an electronic communication to parishioners sent at least 2 weeks before the date of the meeting (but only to the extent that the parish holds relevant contact information for its parishioners), and
- (ii) by announcement at each online service of public worship (if any) of the church or parish on at least 2 Sundays before the day of the meeting,
which –
 - (iii) explains the nature of the meeting and summarises the business to be conducted,
 - (iv) explains that any 10 or more parishioners can prevent the meeting being conducted by the parish council if they provide a written notice of objection to the minister before the date of the meeting, and
 - (v) invites parishioners to forward to the minister prior the date of the meeting, any relevant material they would like the parish council to consider in dealing with that business,
- (c) if 10 or more parishioners provide a notice in writing to the minister before the date of the meeting stating that they object to the parish council conducting the annual general meeting or general meeting that was the subject of a notice given under subclause 4(1)(b), the meeting is vacated and the parish council is to consider whether the meeting can be held by one of the other means permitted by this Ordinance instead,
- (d) any qualification requirements for a person to be nominated for or validly elected to a particular office or position continue to apply as if that person was nominated or elected at a general meeting of parishioners,
- (e) only members of the parish council present at the meeting can make nominations for the election of a person to an office or position, and
- (f) if a member of the parish council or a person within their immediate family or household is a candidate for election to an office or position, that member must not participate in the nomination or election process in relation to that office or position and must absent themselves from the meeting for that item of business.

(2) A parish council may conduct a special meeting for the purposes of clause 3(a)(i) through the use of technology in accordance with the procedures set out in clause 4 of the *Meetings (Quorum, Attendance and Resolutions) Ordinance 2007*, except that each occurrence of the words “consented to by all the members of the Body” in that Ordinance are deemed to be omitted.

5. General meetings of parishioners conducted remotely through the use of technology

For the purposes of subclause 3(a)(ii) –

- (a) the meeting may be held using one or more technologies that give all participants in the meeting reasonable opportunity to participate without being physically present in the same place,
- (b) all persons so participating in the meeting are taken for all purposes (for example, a quorum requirement) to be present at the meeting while so participating,
- (c) the meeting is convened –
 - (i) by notice in an electronic communication to parishioners sent at least 2 weeks before the date of the meeting (but only to the extent that the parish holds relevant contact information for its parishioners), and
 - (ii) by announcement at each online service of public worship (if any) of the church or parish on at least 2 Sundays before the day of the meeting,
of the date, time and instructions necessary for a person to make nominations and to join the meeting, and in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting,
- (d) any nominations from parishioners must be given to the minister at least 5 days prior to the date of the meeting,
- (e) a written agenda setting out the items of business and nominees for election at the meeting is to be circulated by electronic communication to parishioners (but only to the extent that the parish holds relevant contact information for its parishioners), 4 days prior to the date of the meeting,

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- (f) a vote taken at the meeting must be taken using one or more technologies that give each person entitled to vote the opportunity to participate in the vote in real time and for their vote to be recorded and counted by technological means rather than on the voices or a show of hands, and
- (g) the *Meetings (Quorum, Attendance and Resolutions) Ordinance 2007* does not apply.

6. General meetings of parishioners conducted in a physical location

- (1) For the purposes of clause 3(b) –
 - (a) the meeting may only be convened if –
 - (i) it is lawful for the gathering to be held (including with respect to the location and the number of parishioners that might attend in the meeting),
 - (ii) social distancing and any other public health directives or guidelines in effect at that time are followed, and
 - (iii) the business proposed for consideration at the meeting has not already been the subject of a meeting of or convened by the parish council under subclause 3(a),
 - (b) the notice requirements in rules 4.1(4) and (5) of Schedules 1 and rules 4.1(3) and (4) of Schedule 2 the *Parish Administration Ordinance 2008* are deemed to be substituted with the following –
 - ‘(4) A general meeting of parishioners is convened –
 - (a) by notice in an electronic communication to parishioners sent at least 2 weeks before the date of the meeting (but only to the extent that the parish holds relevant contact information for its parishioners), and
 - (b) by announcement at each online service of public worship (if any) of the church or parish on at least 2 Sundays before the day of the meeting,of the date, time and place of the meeting and in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting.’

7. Qualification criteria as a parishioner and communicant member

If a person was a communicant member of the Anglican Church of Australia or a parishioner of a parish or church as at 18 March 2020, the person is deemed to continue to have that status for the purposes of –

- (a) participation in a meeting undertaken or convened pursuant to this Ordinance, and
- (b) any qualification criteria for –
 - (i) election to an office or position at a meeting undertaken or convened pursuant to this Ordinance, or
 - (ii) appointment to an office or position by the minister in connection with that meeting.

8. Disputes

The procedures in Chapter 8 of Schedules 1 and 2 of the *Parish Administration Ordinance 2008* apply with respect to questions and disputes, subject to the modifications for meetings and elections made by this Ordinance.

9. Inconsistency

This Ordinance applies notwithstanding and to the exclusion of the provisions in the *Parish Administration Ordinance 2008*, but only to the extent of inconsistency.

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I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

D S MARR
Chair of Committee

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 25 May 2020.

D GLYNN
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney

25/05/2020