

Parishes (Special Administration) Ordinance 2004

No 36, 2004

Long Title

An Ordinance to provide alternative rules for the administration of parishes in the Diocese and for incidental purposes thereto.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Parishes (Special Administration) Ordinance 2004.

2. Objects

The objects of this Ordinance are—

- (a) to move away from churches as the fundamental units by which the parish is administered to that of the whole parish as constituted by its congregations, and
- (b) to enable an annual parish meeting of members of all congregations of the parish to be held in place of an annual vestry meeting for each church of the parish, and
- (c) to enable the office of parish warden to be established for the parish as a whole.

3. Interpretation

A term used in this Ordinance which is defined in the Schedule has the same meaning as in the Schedule.

4. Application of provisions in the Schedule

- (1) Subject to clause 5, the provisions in the Schedule apply to a parish if –
 - (a) a vestry meeting of the church or, if there is more than one church, each church of the parish convened to consider the matter so resolves, and
 - (b) the regional council gives its approval.
- (2) Subject to clause 6, the provisions in the Schedule cease to apply to a parish to which such provisions apply if –
 - (a) a parish meeting convened to consider the matter so resolves, and
 - (b) the regional council gives its approval.
- (3) The regional council is to notify the Registrar in writing of an approval given under subclause (1) or (2).
- (4) The Registrar is to maintain and update on a regular basis a list of parishes to which the provisions in the Schedule apply and publish the list in whatever manner the Registrar considers appropriate.

5. Transitional arrangements on commencement

- (1) If a regional council gives an approval under clause 4(1) –
 - (a) the churchwardens of each church of the parish holding office immediately before such approval is given continue to hold office and continue to exercise the functions of churchwardens under the administration provisions, and
 - (b) the parish council of the parish as constituted immediately before such approval is given remains so constituted and continues to exercise the functions of the parish council under the administration provisions, and
 - (c) the Archbishop may continue to exercise the power conferred by clause 5(3) of the Church Administration Ordinance 1990,

until the date on which the first annual parish meeting is held.

- (2) The first annual parish meeting –
 - (a) is to be convened by the minister and churchwardens of the principal or only church of the parish as if those churchwardens were parish wardens for the purposes of clause 5 of the Schedule, and
 - (b) is to receive and pass or otherwise determine on the statements of the churchwardens of each church prepared in accordance with clause 20(1)(k) of the Church Administration Ordinance 1990.

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6. Transitional arrangements on cessation

- (1) If a regional council gives an approval under clause 4(2) –
- (a) the parish wardens of the parish holding office immediately before such approval is given continue to hold office and continue to exercise the functions of parish wardens under the provisions in the Schedule, and
 - (b) the parish council of the parish as constituted immediately before such approval is given remains so constituted and continues to exercise the functions of the parish council under the provisions in the Schedule, and
 - (c) the Archbishop may continue to exercise the power conferred by clause 8(2)(b) of the Schedule,

until the date on which the annual vestry meeting of the principal or only church of the parish is next held.

(2) Subject to subclause (3), the minister and parish wardens are to convene an annual vestry meeting for each church of the parish in accordance with the administration provisions as if the parish wardens were the churchwardens of each church under the administration provisions.

(3) In relation to a parish with more than 1 church, the annual vestry meeting of the principal church is to be held before the annual vestry meeting of any other church of the parish.

(4) The annual vestry meeting for each church of the parish convened under subclause (2) is to receive and pass or otherwise determine on the statements of the parish wardens prepared in accordance with clause 12(b) of the Schedule.

7. Commencement

This Ordinance commences on the date of assent.

8. Review

The Standing Committee will bring a report to the Synod in 2007 about the operation of this Ordinance.

Schedule

Part 1 – General

1. Interpretation

- (1) In this Schedule –

“administration provisions” means the provisions of –

- (a) the Church Administration Ordinance 1990, and
- (b) the Church Grounds and Buildings Ordinance 1990, and
- (c) the Synod Membership Ordinance 1995, and
- (d) the Presentation and Exchange Ordinance 1988, and
- (e) any other ordinance or similar instrument in force in the Diocese in connection with the administration of a parish or church,

but does not include the provisions of the Parishes (Special Administration) Ordinance 2004 or the St George North (Special Administration) Ordinance 2004.

“annual parish meeting” means a parish meeting referred to in clause 4 of this Schedule and includes any adjournment of such a meeting.

“congregation” means, in relation to a parish, a group of persons who meet together on a regular basis (not less than monthly) within the Diocese –

- (a) for public worship as part of the Anglican Church of Australia, and
- (b) under the pastoral leadership of the minister of the parish, and
- (c) in a building (or part) which is subject to a notification made pursuant to clause 17(1) of this Schedule.

“member” means, in relation to a congregation and subject to subclause (2), a person –

- (a) who is a member of the Anglican Church of Australia, and
- (b) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a member is to be determined attended meetings of the congregation.

“parish meeting” means a meeting of members of all congregations convened under clause 3 or 4 of this Schedule and includes an adjournment of such a meeting.

“regional council” means the regional council of the region in which the relevant parish is situated.

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(2) A person may not be a member of more than 1 congregation at the same time. If, but for this subclause, a person would be a member of more than 1 congregation at the same time, the person must elect the congregation of which he or she considers himself or herself to be a member and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(3) A building (or part) which is licensed or consecrated by the Archbishop as a church of the parish is taken to be subject to a notification made pursuant to clause 17(1) of this Schedule for the purposes of paragraph (c) of the definition of congregation in subclause (1).

(4) If any question or dispute arises as to whether a group of persons is a congregation of the parish, the question or dispute may be determined by the Archbishop.

2. Continued application of the administration provisions

(1) The administration provisions continue to apply to the parish but are modified to the extent provided or contemplated by the provisions in this Schedule.

(2) If there is any uncertainty or difficulty regarding the continuing application of the administration provisions, the Standing Committee may, by resolution, upon being requested to do so by the minister and parish wardens or at its own initiative, determine the rule or rules to apply in the particular circumstances and the application of the administration provisions is subject to that determination. The Standing Committee is to inform all parishes which are constituted as a collection of congregations of such rule or rules and their reasons for such determination.

Part 2 – Parish Meetings

3. When and for what purposes may a parish meeting be convened?

(1) A meeting of members of all congregations of the parish may be convened at any time for the consideration of any business connected with 1 or more of those congregations.

(2) Any requirement or entitlement under an ordinance to convene a vestry meeting of a church of the parish (other than an annual vestry meeting) is satisfied or may be exercised by convening a parish meeting under this clause.

4. Annual parish meeting

An annual parish meeting is to be convened each year of members of all congregations of the parish in place of the annual vestry meeting for each church of the parish.

5. Convening a parish meeting

(1) A parish meeting may be convened by the minister and the parish wardens (if any).

(2) A parish meeting is convened by announcing at not less than 2 meetings of each congregation of the parish before the day of the meeting, the date, time and place of the meeting and, in the case of a parish meeting which is not an annual parish meeting, the business to be considered at the meeting.

(3) If a congregation of a parish meets less frequently than once each week, it is sufficient for the announcement referred to in subclause (2) to be made at only 1 meeting of that congregation at least 7 days before the parish meeting.

6. Who is entitled to participate in a parish meeting?

(1) A person (other than the minister) is not entitled to take part in or to be counted for the purposes of a quorum at a parish meeting unless the person has first subscribed to the following declaration –

“I am a member of the Anglican Church of Australia.

I have been baptised.

I am not less than 18 years of age.

I have usually during 3 months within the past 12 months attended meetings of the [name or description of congregation] of the parish.

I do not claim to be a member of any other congregation or a member or parishioner of any other church or parish of the Anglican Church of Australia.

Dated this day of 20 .”

(2) In the case of an annual parish meeting, the following additional subscription is to be added to the declaration in subclause (1) -

“I have not voted at a vestry meeting or parish meeting of any other church or parish of the Anglican Church of Australia within the past 3 months and I do

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not intend to vote at a vestry meeting or parish meeting of any other church or parish of the Anglican Church of Australia within the next 3 months.”

7. Election of parish council members

(1) The annual parish meeting is to determine whether or not there is to be a parish council and whether or not the parish council is to include a qualified person elected by the members of each congregation at the annual parish meeting voting separately from the members of the other congregations.

(2) If the annual parish meeting determines there is to be a parish council which is not to include a qualified person elected by the members of each congregation of the annual parish meeting voting separately from the members of the other congregations, the annual parish meeting –

- (a) is to resolve that there are to be 3, 6 or 9 members of the parish council elected by the annual parish meeting as a whole, and
- (b) is to elect qualified persons to be those members.

(3) If the annual parish meeting determines there is to be a parish council which is to include a qualified person elected by the members of each congregation at the annual parish meeting voting separately from the members of the other congregations –

- (a) the annual parish meeting –
 - (i) is to resolve that there are to be 0, 1, 2 or 3 members of the parish council elected by the annual parish meeting as a whole, and
 - (ii) is to elect qualified persons to be those members, and
- (b) the members of each congregation at the annual parish meeting voting separately from the members of the other congregations are to elect 1 qualified person to be a member of the parish council.

(4) If the number of qualified persons elected at the annual parish meeting under clause 7(2) or 7(3) of this Schedule is less than the number of persons resolved to be elected, the vacancy or vacancies may be filled by the appointment of a qualified person or persons by the parish council.

8. Other provisions that apply to a parish meeting

(1) The administration provisions that apply to a vestry meeting of a church in a single-church parish apply to a parish meeting subject to any modifications provided for or contemplated by the provisions in this Schedule.

(2) For the avoidance of doubt –

- (a) parish representatives to be elected for the parish under the Presentation and Exchange Ordinance 1988 and the Synod Membership Ordinance 1995 are to be elected at the annual parish meeting or other parish meeting, and
- (b) the Archbishop may direct the minister and parish wardens to convene a parish meeting.

Part 3 – The Minister

9. Minister’s responsibility for registers and records

(1) The minister is to cause to be maintained a register or registers of the information referred to in clause 19 of the Church Administration Ordinance 1990 for the congregations of the parish.

(2) For the purposes of the administration provisions, the registers and records maintained for the congregations of the parish are to be treated as if they were the registers and records maintained for each church of the parish.

Part 4 – Parish Wardens

10. Establishment of the office of parish warden

(1) There are to be 3 parish wardens for the parish as a whole who are to be the 3 churchwardens for each church of the parish.

(2) Two parish wardens are to be elected at the annual parish meeting. One parish warden is to be appointed by the minister.

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11. Qualifications to be a parish warden

(1) A person who is eligible under the administration provisions to be elected or appointed as a churchwarden of a church of the parish is eligible to be elected or appointed as a parish warden.

(2) Any requirement that a person be a parishioner of a church in the parish to be eligible to be elected or appointed as a parish warden is taken to be satisfied if the person is a member of a congregation of the parish.

12. Functions of the parish wardens

The parish wardens have and are to exercise the functions that the churchwardens of each church in the parish would, but for the application of the provisions of this Schedule, have exercised subject to the following –

- (a) any function in connection with a church is taken to include an equivalent function (so far as is relevant) in connection with a congregation and a building in which a congregation meets, and
- (b) the functions referred to in clauses 20(1)(a), (d) and (k) of the Church Administration Ordinance 1990 are (so far as is possible) to be exercised for the parish as a whole.

13. Other provisions that apply to the parish wardens

The administration provisions that apply to the churchwardens of a church apply to the parish wardens subject to any modifications provided for or contemplated by the provisions in this Schedule.

Part 5 – Parish Council

14. Constitution of the parish council

(1) If the annual parish meeting determines that there is to be a parish council, the parish council is to be constituted for the ensuing year by the following persons -

- (a) the minister,
- (b) the parish wardens,
- (c) the qualified persons elected to the parish council at the annual parish meeting under clause 7(2) or 7(3) of this Schedule, or subsequently appointed under clause 7(4) or 14(2) of this Schedule, and
- (d) up to 1 qualified person appointed by the minister at the annual parish meeting or within 28 days after the meeting for every 3 persons the meeting is entitled to elect under clause 7(2) or 7(3) of this Schedule."

(2) The parish council may fill any casual vacancy which occurs among its members elected under clause 7(2) or 7(3) of this Schedule, or subsequently appointed under clause 7(4) of this Schedule or this clause 14(2).

(3) For the avoidance of doubt, the minister and parish wardens of the parish may apply for a modification of the constitution of the parish council under clause 30(3) of the Church Administration Ordinance 1990.

15. Qualifications to be a member of the parish council

Any requirement that a person is to be a parishioner of a church in the parish in order to be eligible to be elected or appointed as a member of the parish council is taken to be satisfied if the person is a member of a congregation of the parish.

16. Functions of the parish council

(1) Any function of the parish council of the parish in connection with a church is taken to include an equivalent function (so far as is relevant) in connection with a congregation of the parish and a building in which such a congregation meets.

(2) The parish council is not required to exercise the function specified in clause 28(1)(c) of the Church Administration Ordinance 1990.

(3) Without limiting subclause (1), the parish council may establish a committee under clause 29A of the Church Administration Ordinance 1990 in respect of any congregation of the parish or the parish as a whole.

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Part 6 – Notification of use of buildings by congregations

17. Notification of use

(1) Subject to subclause (2), the minister and parish wardens of the parish are to notify the Registrar in writing of the address of any building (or part) used or to be used by a group of persons to meet together on a regular basis within the Diocese –

- (a) for public worship as part of the Anglican Church of Australia, and
- (b) under the pastoral leadership of the minister.

(2) Before the minister and parish wardens make a notification pursuant to subclause (1) in relation to a building (or part) situated outside the boundaries of the parish, the minister and parish wardens are to consult with the regional council and the parish council of the parish in which the building (or part) is situated.

(3) The minister and parish wardens are to notify the Registrar in writing if a building (or part), subject to a notification made pursuant to subclause (1), ceases to be used in the manner described in subclause (1) whereupon the building (or part) ceases to be subject to a notification made pursuant to subclause (1).

18. Modification of licensing requirements

Despite clause 6(1) of the Church Grounds and Buildings Ordinance 1990, a building of the parish which is used or to be used regularly for the celebration of divine service is not required to be licensed or consecrated as a church if it is subject to a notification made pursuant to clause 17(1) of this Schedule.

Part 7 – Miscellaneous

19. Delegation by Archbishop

The Archbishop may delegate any or all of his functions under the provisions of this Schedule to the regional bishop of the region in which the relevant parish is situated.

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

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 26 October 2004.

MA PAYNE
CJ MORONEY
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN
Archbishop of Sydney
28/10/2004