

Parishes (Special Administration) Ordinance 2004

(A report from the Standing Committee.)

Contents	Paragraph
Introduction	1-3
Initial focus on reform of parish administration	4-13
Proposed interim reform	14-37
Recommendation	38

f f f f f f f f

Introduction

1. On 17 November 2003, the Mission Taskforce appointed Bishop Robert Forsyth and Mr Mark Payne as members of the committee to consider Policy 4 of the Mission which is –

“To reform the life of the Diocese (including our culture, ordinances, customs, use of resources, and deployment of ministry) to encourage and enable the fulfilment of the fundamental aim.”

2. The fundamental aim of the Diocesan Mission is to multiply Bible-based Christian fellowships, congregations and churches which equip and nurture their members and expand themselves, both in the Diocese and “in all the world”.

3. The committee subsequently co-opted Mr Michael Orpwood QC and Mr Robert Wicks as additional members.

Initial focus on reform of parish administration

4. The committee has identified the specific area of parish and church administration as a matter requiring particular attention.

5. The principal unit of administration for ministry in the Diocese is the parish, being a geographical area for which an incumbent takes particular responsibility in terms of Anglican ministry.

6. Historically, administration within a parish has been based on the “church”. For these purposes, a church is any building licensed or consecrated by the Archbishop for the celebration of divine service whether or not the building is situated on church trust property.

7. The committee believes there has been movement away from the church, as understood in the sense referred to in paragraph 6, as the fundamental administrative unit within a parish and a movement toward the concept of parish as constituted by its congregations. The committee believes that this movement has been paralleled with a corresponding diminution of the office of churchwarden and an expansion of the role of the parish council.

8. An example of the movement away from a focus on churches is the increasing incidence of Anglican congregations meeting in buildings which are not “churches”. The members of these congregations are usually not entitled to attend a vestry meeting of a church in the parish and are therefore excluded from participating in the governance of the parish.

9. There is also an ongoing issue associated with branch churches in multi-church parishes. Under our present ordinances, the members of a branch church do not usually participate in a number of decisions made at the annual vestry meeting of the principal church including –

- electing qualified persons to be members of the parish council, and
- deciding whether the parish council may fill a vacancy among its members, and
- electing Synod representatives for the parish.

10. Further, the constitution of a parish council in a multi-church parish usually includes only 1 churchwarden from each branch church as opposed to the 3 churchwardens from the principal church.

11. The committee considers that the current concept of “church” as a building and, in particular, the requirement that a church should usually be situated on church trust property is not conducive to church planting as that term is properly understood. Indeed the committee believes that it was this type of concern that prompted the passing of the Recognised Churches Ordinance 2000 which allows church groups which do not own property to be recognised as having the same status as a parish.

2 Report of Standing Committee & Other Reports & Papers

12. The committee believes that in due course ordinances such as the Church Administration Ordinance 1990 will need to be redrafted to ensure that we have better administrative structures to facilitate ministry. The nature of the reform which may be necessary will require consultation with all relevant stakeholders. The committee intends to continue its work in this area.

13. However the committee thinks there is a pressing need to allow for another model of parish administration to address the issues referred to above. The reforms proposed in the following paragraphs of this report should be regarded as an interim measure pending further assessment.

Proposed interim reform

General approach

14. The committee has prepared a bill for the Parishes (Special Administration) Ordinance 2004 to allow parishes to opt into or out of modified administration arrangements. In summary, these modified arrangements enable –

- (a) the formal recognition of the congregations of a parish for the purposes of administering the parish as a whole, and
- (b) 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) the office of parish warden to be established for the parish as a whole, and
- (d) the maintenance of parish accounts.

15. It is proposed that a parish could opt into these modified arrangements with the approval of the vestry meeting of each church of the parish and the regional council. There is an equivalent mechanism to enable such a parish to opt out of the arrangements.

16. The remainder of this report describes in more detail the modifications proposed by the bill.

Continued application of existing provisions

17. In general, it is proposed that the existing provisions that apply to the administration of a parish or a church continue to apply to a parish which opts into these arrangements with the modifications set out in the Schedule to the proposed ordinance (clause 2(1) of the Schedule).

18. Any uncertainty or difficulty about the application of the existing provisions to a parish which opts into the modified arrangements may be determined by the Standing Committee (clause 2(2) of the Schedule).

Congregations

19. The proposed ordinance formally recognises the concept of “congregation”. This is defined in clause 1(1) of the Schedule to mean, in relation to a parish, a group of persons who 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 of the parish, and
- (c) in a building which is notified to the Registrar by the minister and parish wardens.

20. The mechanism for notifying the Registrar of a building in which a congregation meets is set out in clause 17(1) of the Schedule. There is also a mechanism for notifying the Registrar when a building ceases to be used for this purpose (clause 17(3) of the Schedule). A building which is licensed by the Archbishop as a church of the parish is taken to have been notified to the Registrar (clause 1(3) of the Schedule).

21. A congregation of a parish which opts into these modified arrangements is not necessarily required to meet within the boundaries of the parish. Such a congregation may meet anywhere within the Diocese. This is intended to create flexibility. However before the minister and parish wardens notify the Registrar of any building which is situated outside the boundaries of the parish (in order to formalise the status of the group using the building as a congregation 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 is situated (clause 17(2) of the Schedule). This parallels similar requirements in the Recognised Churches Ordinance 2000 in relation to the location of the meeting place of a recognised church.

22. Any question or dispute about whether a group of persons is a congregation of a parish for the purposes of the proposed ordinance may be determined by the Archbishop (clause 1(4) of the Schedule).

Parish meetings

23. The proposed ordinance introduces the concept of “parish meeting”. This is defined in clause 1(1) of the Schedule to mean a meeting of members of all congregations of the parish.

24. An annual parish meeting of all congregations of the parish is to be convened each year in place of an annual vestry meeting for each church of the parish (clause 4 of the Schedule). A parish meeting may be convened at any time for the consideration of any business of or connected with one or more congregations of the parish (clause 3(1) of the Schedule).

25. The provisions applying to a parish meeting are, in essence, those that apply to a vestry meeting of a church in a single church parish subject to certain modifications (clause 8(1) of the Schedule). Parish representatives are to be elected at the annual parish meeting or other parish meeting for the purposes of the Presentation and Exchange Ordinance 1988 and the Synod Membership Ordinance 1995. Further, the Archbishop has an equivalent power to that contained in clause 5(3) of the Church Administration Ordinance 1990 to direct the minister and parish wardens to convene a parish meeting (clause 8(2) of the Schedule).

Parish wardens

26. The proposed ordinance introduces the concept of “parish wardens” for the parish as a whole who are to be the 3 churchwardens for each church of the parish (clause 10(1) of the Schedule).

27. The provisions applying to parish wardens are, in essence, those that would apply to the churchwardens of each church of the parish subject to certain modifications (clause 13 of the Schedule). However any function which would have been exercised by a parish warden for a church is taken to include an equivalent function (so far as is relevant) in connection with the congregation and a building in which a congregation meets (clause 12(a) of the Schedule).

28. The parish wardens are also to exercise charge, control and administration of money, to keep books of account and to prepare financial statements for the parish as a whole rather than for each church of the parish (clause 12(b) of the Schedule).

Parish council

29. Under the proposed ordinance, if an annual parish meeting determines that there is to be a parish council, the parish council is constituted by the following persons –

- (a) the minister, and
- (b) the parish wardens, and
- (c) 3, 6 or 9 qualified persons elected to the parish council by the annual parish meeting, and
- (d) up to 1 qualified persons appointed by the minister for every 3 qualified persons the annual parish meeting is entitled to elect (clause 14(1) of the Schedule).

This will not prevent modifications being made to the constitution of a parish council under clause 30(3) of the Church Administration Ordinance 1990 (clause 14(3) of the Schedule).

30. The parish council may fill any casual vacancy which occurs among its elected members (clause 14(2) of the Schedule).

31. The functions of the parish council are, in essence, the same as the functions of the parish council under the existing provisions for administering parishes. However the functions of the parish council which would be exercised for a church are taken to include an equivalent function (so far as is relevant) in connection with the congregation and a building in which a congregation meets (clause 16(1) of the Schedule).

32. Consistent with administering the parish as a whole, the parish council is not required to determine what money is to be paid from time to time by each church towards each expense of the parish (clause 16(2) of the Schedule). Further, the parish council may establish a committee under clause 29A of the Church Administration Ordinance 1990 for any congregation of the parish or the parish as a whole (clause 16(3) of the Schedule).

Other matters

33. Under the proposed ordinance, the minister must keep a register or registers for the congregations of the parish of the information he is required to keep for each church under clause 19 of the Church Administration Ordinance 1990 (clause 9 of the Schedule).

34. The proposed ordinance provides that despite clause 6(1) of the Church Grounds and Buildings Ordinance 1990, a building of a parish which is used or to be used regularly for the celebration of divine

4 Report of Standing Committee & Other Reports & Papers

service is not required to be licensed or consecrated as a church if it is notified to the Registrar pursuant to clause 17(1) of the Schedule (clause 18 of the Schedule). Although this obviates the requirement for buildings in which divine service is regularly celebrated to be licensed or consecrated as a church, it does not preclude such buildings being so licensed or consecrated if that is considered desirable.

35. The Archbishop may delegate any or all of his functions under the proposed ordinance to the relevant regional bishop (clause 19 of the Schedule).

36. Transitional provisions are included in respect of both the transition to administration under the proposed ordinance and any transition back to the existing provisions (clauses 5 and 6).

37. The Standing Committee is to report to the Synod in 2007 about the operation of the proposed ordinance (clause 8).

Recommendation

38. In line with the committee's recommendation, the Standing Committee is promoting the bill for the Parishes (Special Administration) Ordinance 2004 to the Synod "by request of the Standing Committee". The Standing Committee recommends that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee.

BISHOP ROBERT FORSYTH

Chairman of the Committee

30 September 2004