

**BATHURST**  
**DIOCESE**  
*Sharing Jesus for Life*



# PARISHES ORDINANCE

2023

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# PARISHES ORDINANCE 2023

An Ordinance to provide for the rules by which parishes in the Diocese are administered and for related matters.

THE SYNOD OF THE DIOCESE OF BATHURST HEREBY ORDAINS AS FOLLOWS:

## CHAPTER 1 – PRELIMINARY AND DEFINITIONS

### 1.1 Name

This Ordinance may be cited as the Parishes Ordinance 2023 of the Anglican Diocese of Bathurst.

### 1.2 Interpretation

(1) The definitions in the *Administration Ordinance 2023* as from time to time in force apply to terms used in this Ordinance unless the context otherwise requires.

(2) In addition, in this Ordinance, unless the context otherwise requires:

“Pastoral Scheme” means a document which proposes the creation of or changes to Parishes or Special Ministries under section 2.10.

“Special Ministry” means any particular ministry in the Diocese designated by the Bishop under section 2.5.

(3) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.

## CHAPTER 2 – PARISHES AND SPECIAL MINISTRIES

### 2.1 Nature of Parishes

(1) A Parish is a geographical area within the Diocese, within which is at least one licensed or consecrated church.

(2) The boundaries of a Parish are to be fixed in accordance with this Ordinance.

(3) The boundaries of Parishes and such Special Ministries as have geographic areas shall be as they are designated in the written descriptions held by the Registrar as at the date of commencement of this Ordinance.

## **2.2 Requirements to create a new parish**

No new Parish may be created in the Diocese unless:

- (a) there is within it a duly licensed or consecrated church;
- (b) there is available a Parish Residence for the free use of the person to be appointed as Parish Priest; and
- (c) the Bishop is satisfied that the resources available are sufficient to provide for the stipend, benefits, and allowances of the proposed Parish Priest whether full or part time.

## **2.3 Church Buildings**

- (1) There may be one or more churches in a Parish. One of those churches must be designated the "principal church" of the Parish.
- (2) The Bishop may declare that two churches in a Parish shall be joint principal churches of the Parish and any reference in this Ordinance to a "principal church" shall refer to both churches.
- (3) In the absence of agreement between the Churchwardens of the churches in a Parish, the Bishop must nominate which church is to be the principal church of the Parish.

## **2.4 Cooperation with other Parishes**

With the approval of the Bishop, a parish of the diocese may form a partnership with a parish of another diocese for the purpose of mutual prayer support, financial support, and mission engagement.

## **2.5 Special Ministries**

- (1) The Bishop may designate any particular ministry in the Diocese to be a Special Ministry.
- (2) A Special Ministry may take place over a defined geographic area or be amongst persons who together possess special characteristics or who are united by ethnic origin or race. Thus, an area of ministry may be created in respect of a sparsely populated area, or of a school or university, or of Aboriginal People, or people of particular occupations or persons who are unemployed.
- (3) The Bishop may make regulations regarding the application of this or any other Ordinance to a Special Ministry. In the absence of regulations to the contrary and except as otherwise provided, all the provisions of this or any other Ordinance of the Diocese apply to a Special Ministry.
- (4) The Bishop must, by regulation, determine the procedure for the election or appointment of officeholders to a Special Ministry, including the extent to which the provisions of Chapter 7 relating to Churchwardens apply to such officeholders.

## **2.6 Chaplains**

- (1) The Bishop has the cure of souls in a Special Ministry.
- (2) The Bishop may licence a member of clergy or a lay person as a Chaplain in a Special Ministry.



- (3) Unless the licence of a Chaplain otherwise provides, an appointment as a Chaplain is revocable at the will of the Bishop after providing an opportunity to show cause and expires after 5 years.

## **2.7 Proposals for the appointment of a chaplain**

- (1) An organisation seeking the appointment of a chaplain must present a proposal to Bishop-in-Council. A proposal must include an assurance of the willingness of the organisation to abide by the provisions of this Ordinance and to cooperate with any chaplaincy committee in the ministry of the chaplain.
- (2) Bishop-in-Council must examine each proposal for the appointment of a chaplain and, if satisfied:
  - (a) that the proposal has merit; and
  - (b) that funding is available for such work for at least 12 months;may recommend to the Bishop that he appoint a chaplain to the Special Ministry.
- (3) If the Bishop accepts the recommendation of Bishop-in-Council he must licence a suitable person for ministry as chaplain and appoint a chaplaincy committee in accordance with this Ordinance.
- (4) The Bishop may summon a Ministry Appointment Board in accordance with section 3.1 of this Ordinance.

## **2.8 Chaplaincy Committees**

- (1) A chaplaincy committee shall consist of not more than five persons, the chair of this committee to be the Bishop or his nominee.
- (2) The Bishop is an ex officio member of each chaplaincy committee and may chair any meeting of the committee.
- (3) The functions of a chaplaincy committee, subject to the powers and oversight of the Bishop, are:
  - (a) to supervise the work of a chaplaincy and to ensure that the ministry operates within any budget set by Synod;
  - (b) to care for and minister to the needs of the chaplain and his or her family;
  - (c) to prepare a budget no later than the 31st of March in each year for submission to Bishop-in-Council for the work of the chaplaincy for the following calendar year;
  - (d) to prepare a report to Bishop-in-Council each year as to the work of the chaplaincy; and
  - (e) to report to the Bishop any matter of concern that the committee may have as to the work of the chaplaincy.

## **2.9 Alteration of Parish Boundaries**

- (1) Should the Parish Priest and Churchwardens of the principal church or churches of a Parish consider that it would be appropriate to alter the boundary between their Parish and an adjoining Parish, they shall consult with the Regional Archdeacon and the Parish Priest of the neighbouring Parish.
- (2) If it appears that the proposed alteration generally meets with favour then a new boundary shall be plotted on a map and presented to the Parish Councils of all the Parishes concerned. If each Parish Council and the Parish Priest of each Parish agree with the alteration and the Bishop likewise agrees then the Parish boundaries shall be adjusted accordingly.
- (3) If there is not unanimous agreement between the Parishes, the Regional Archdeacon shall forward a report to Bishop-in-Council and the decision of Bishop-in-Council on the question of alteration of the boundaries shall be conclusive.

## **2.10 New parishes and pastoral schemes**

- (1) Where Bishop-in-Council is of the opinion that the ministry of the church would be advanced by the declaration of a new Special Ministry or the adjustment of Parish boundaries or the creation of a new Parish it may appoint a committee for the purpose of preparing a pastoral scheme.
- (2) The committee shall consist of at least five members and the Diocesan Archdeacon shall be the chair of the committee. The members shall include persons who are members of Bishop-in-Council, persons who have familiarity with the area concerned and at least one Parish Priest. The committee shall report to Bishop-in-Council as to its recommendations within six months of its appointment.
- (3) Upon receipt of the report of the committee concerning a pastoral scheme, Bishop-in-Council shall recommend to the Bishop such alterations in Parishes or Special Ministries as will best carry out the mission of the church including the revocation in whole or in part of a Parish.
- (4) As an interim measure, whilst a pastoral scheme is being considered by a committee, the Bishop may make such provision for ministry in the Diocese as seems appropriate.
- (5) A Parish Priest or any Churchwarden who considers that it would be appropriate for a pastoral scheme to be considered in respect of their area should make that suggestion in writing to the Registrar who shall place it before Bishop-in-Council for consideration.

## **CHAPTER 3 – APPOINTMENT OF PARISH PRIESTS**

### **3.1 Ministry Appointment Boards**

- (1) The Bishop may summon a Ministry Appointment Board to assist him in the appointment of ministry positions, clerical or lay, within the Diocese.
- (2) The Bishop may constitute a Ministry Appointment Board in the manner he determines most appropriate but shall endeavour to ensure that such Board includes a person intimately concerned in such ministry.

### **3.2 Right to participate in choosing own Parish Priest**

- (1) The Parishioners of a Parish shall have the right to participate in the choice of the person who is to be Parish Priest of the Parish in accordance with the provisions of this Ordinance.
- (2) A Parish may surrender its right of participation either by resolution at an Annual Parish Meeting or by resolution at a meeting of the Parish convened by a Regional Archdeacon for the purpose of considering such a resolution.

### **3.3 Dispensing with Parish Appointment Boards**

In cases where a Parish Appointment Board has been dispensed with pursuant to section 3.2 or section 3.10 of this Ordinance, the Bishop shall of his own motion invite a person to become Parish Priest of the Parish and the Churchwardens of the Parish shall accept such person as their Parish Priest accordingly.

### **3.4 Composition of Parish Appointment Boards**

- (1) There shall be a Parish Appointment Board for each Parish.
- (2) The Parish Appointment Board for a Parish shall consist of:
  - (a) the Bishop or his nominee;
  - (b) three persons in the Order of Priests elected by the Synod in the manner set out in section 3.5; and
  - (c) three lay persons elected by the Annual Parish Meeting as set out below.
- (3) The Bishop may invite the Regional Archdeacon for the Region in which the Parish is located to attend meetings of the Parish Appointment Board, as a non-voting member.

### **3.5 Election of persons in the Order of Priests by the Synod**

- (1) At the first Session of every Synod, the Synod must elect by ballot six members of Synod in the Order of Priests to be members of the Parish Appointment Board of all Parishes.
- (2) The three persons whose names are placed highest in the poll shall sit on the Board in all cases, provided that should any of those three persons be unable or unwilling to act the Bishop shall summon in the place of such person the person obtaining the next highest number of votes who is able and willing to act.

- (3) Casual vacancies must be filled by Bishop-in-Council, the person filling such vacancy occupying the lowest position on the Board.
- (4) A Priest who has at any time in the last five years been a Parish Priest of the Parish concerned shall be deemed unable to act on the Parish Appointment Board for that Parish.

### **3.6 Election of lay persons by parishes**

- (1) Each Parish must, at the Annual Parish Meeting in 2024 and every year thereafter, elect up to six persons as members of the Parish Appointment Board. At least three of those elected must be Churchwardens or members of Parish Council. The persons elected as members of the Parish Appointment Board hold office until the next Annual Parish Meeting, subject to section 3.6(3).
- (2) The three persons who are placed highest in the poll sit on the Board, provided that should any of those three persons be unable or unwilling to act the person having the next highest number of votes able and willing to serve shall act in his or her stead.
- (3) Casual vacancies must be filled by the Parish Council concerned, the person filling such vacancy occupying the lowest position on the Board.
- (4) The Parish Priest must report the result of any election of Parish members of the Parish Appointment Board to the Registrar within fourteen days after the election; however, failure to report does not invalidate any election.

### **3.7 Filling a vacant parish**

Upon a Parish becoming vacant, the Bishop shall nominate a Priest to temporarily perform the duties of the Parish Priest during the time of vacancy and the Churchwardens shall pay to such person the amount fixed by the Bishop in writing as the appropriate stipend, benefits, and allowances.

### **3.8 Summoning the Parish Appointment Board**

- (1) The Bishop shall summon the Parish Appointment Board at such place (which may include meeting by video conference) as the Bishop may determine as soon as practicable after the Parish Priest has given notice of resignation or the impending vacancy of the Parish has been notified to the Bishop.
- (2) The Bishop or his nominee shall preside at each meeting of the Board, but the President of the Board shall have a casting vote only.
- (3) The quorum of a meeting of the Board shall be four provided that there shall be at least two Diocesan members and two Parish members present.

### **3.9 Nomination of names for consideration by the Board**

- (1) The Bishop or any other member of the Board may nominate the name or names of a Priest for consideration by the Board for appointment as Parish Priest of the Parish.
- (2) After consideration of all persons nominated before the Board, the Board shall nominate a Priest to the Bishop for appointment as Parish Priest.

- (3) The Bishop may decline to accept any nomination of the Board without being required to disclose any reasons for such action. If the Bishop does decline the nomination or if the person nominated declines to accept the Bishop's invitation to become Parish Priest of the Parish, the Board shall proceed to make a further nomination.
- (4) A Board may, if it considers appropriate, nominate not more than three Priests in order of preference to the Bishop. If more than one Priest is nominated to the Bishop he shall, subject to his right of veto, invite the Priests concerned to accept the office of Parish Priest in order of preference.

### **3.10 Circumstances in which a Parish Appointment Board will not sit**

A Parish Appointment Board shall be dispensed with in relation to any Parish if:

- (a) the Parish has surrendered its rights of presentation to the Bishop; or
- (b) the Parish Appointment Board has decided to surrender the rights of presentation to the Bishop; or
- (c) six months have elapsed from the first meeting of the Parish Appointment Board without a nomination having been made; or
- (d) three months have elapsed from the date of the Bishop notifying the members of the Board that he has declined to accept its nomination or that the person who has been nominated has declined to accept nomination, and the Board has not made any fresh nomination; or
- (e) within two months, or such further time as agreed by the Bishop, from the previous Parish Priest giving notice of resignation, the Parish has not paid to the Diocese all Parish contributions authorised by Synod or all payments to or on behalf of the previous Parish Priest or suitable arrangements have not been made for the extinguishment of the debt.

### **3.11 Bishop's licence to officiate required**

- (1) No person is permitted to celebrate Divine Service or preach any sermon in any church unless he or she has been licensed or approved by the Bishop.
- (2) A Parish Priest may not permit any person to officiate or preach in any church in his or her Parish unless such Parish Priest has first made contact with the Bishop and obtained confirmation that the person concerned has been licensed by the Bishop, or has permission to officiate or that the person has the Bishop's goodwill.
- (3) This section does not apply to a lay person preaching an occasional sermon in accordance with section 11.29(e) of this Ordinance.

## **CHAPTER 4 – PARISHES IN FINANCIAL DIFFICULTY AND SPECIAL CARE**

### **4.1 Parishes in Financial Difficulty**

- (1) Should it come to the attention of the Bishop that:
  - (a) a Parish Council has resolved not to pay for part or all of the stipend, benefits, allowances, reimbursements and associated oncosts of the Parish Priest, other stipendiary clergy and lay stipendiary workers; or
  - (b) the stipend, benefits, allowances, reimbursements, and associated oncosts of the Parish Priest, other stipendiary, other stipendiary clergy and lay stipendiary workers are in arrears for at least one month; or
  - (c) the Parish contributions, or other amounts owing by a Parish to the Diocese are in arrears for three months or more,

the Bishop may request the Regional Archdeacon and the Registrar to meet with the Parish Council with a view to resolving the financial problems of the Parish and report to Bishop-in-Council.

- (2) Upon receipt of a report in respect of a Parish, Bishop-in-Council may adopt the report or make other provision as it considers appropriate, including appointing persons to collect and administer the funds of the Parish or recommending to the Bishop that he place the Parish under his Special Care.
- (3) If Bishop-in-Council appoints a person to administer the funds of a Parish, the Churchwardens and Parish Council must provide all information and sign all documents necessary to facilitate the administration of its funds.
- (4) The costs of any action under this section are to be met by the Parish concerned, unless Bishop-in-Council otherwise determines.

### **4.2 Special care of parishes**

- (1) Should it come to the attention of the Bishop that:
  - (a) the Parish contributions, or other amounts owing by a Parish to the Diocese are in arrears for six months or more; or
  - (b) a Parish Council has resolved not to pay for the stipend, benefits, allowances, reimbursements, and associated oncosts due to its Parish Priest, other stipendiary clergy and lay stipendiary workers; or
  - (c) the stipend, benefits, allowances, reimbursements, and associated oncosts of the Parish Priest, other stipendiary clergy and lay stipendiary workers are in arrears for at least two months; or
  - (d) the Parish has refused or failed to conform with any of the provisions of any Ordinance of the Diocese; or

- (e) the Parish Priest, a Churchwarden or a member of Parish Council has been charged with an offence punishable by 12 months imprisonment or greater; or
- (f) an investigation by the Diocesan Professional Standards Committee has commenced against the Parish Priest, any assistant clergy, a Churchwarden, or a member of Parish Council in respect of allegations of misconduct; or
- (g) the Bishop considers the Parish is otherwise in need of Special Care,

the Bishop may notify the Churchwardens that the Parish is to be put under his Special Care for a period that he determines appropriate, and the Parish shall come under the Special Care of the Bishop as and from the giving of such notification.

- (2) Whether or not the Bishop places the Parish under his Special Care is a matter for his discretion.
- (3) Where the Bishop places a Parish under his Special Care he must advise Bishop-in-Council of that action at the first opportunity.

#### **4.3 Arrangements while under Special Care**

- (1) Whilst a Parish is in Special Care, the Bishop or his nominee is the Parish Priest of the Parish, and all other clergy of such Parish are under the direction of the Bishop.
- (2) Whilst a Parish is under Special Care, the former Parish Priest shall continue to be entitled to reside free of charge in the Parish Residence, provided he or she does not interfere in the administration of the Parish.
- (3) If the former Parish Priest is a Rector, all of his or her rights are suspended while the Parish is in Special Care. Bishop-in-Council may resolve that this clause shall not apply in any particular case, provided that at least 28 days' notice of the coming into effect of such resolution is given to the former Parish Priest.
- (4) Bishop-in-Council must make arrangements with the Churchwardens as to the payment of the expenses of the Parish including, if appropriate, an allowance to the former Parish Priest.

#### **4.4 Duration of Special Care**

- (1) Bishop-in-Council may either extend the period under which a Parish is under Special Care, for not more than 12 months from the expiration of the initial period of Special Care declared by the Bishop or make such recommendation to the Bishop as to the future of the Parish as it considers appropriate.
- (2) Failing such resolution of Bishop-in-Council or determination by the Bishop as to the future of the Parish, the Parish shall revert at the end of the period of Special Care to the status it had before the Special Care commenced.

#### **4.5 Churchwardens and Parish Council during periods of Special Care**

- (1) Upon a Parish entering into Special Care, the Bishop may, at any time during the period of Special Care and after consultation with Bishop-in-Council, remove from office any or all of the Churchwardens and Parish Councillors, whether elected or appointed, of the Parish.

- (2) Until the Bishop exercises his powers under this section, the Churchwardens and Parish Councillors in office at the time of the declaration of Special Care retain their office and the provisions of this Ordinance continue to apply.
- (3) If the Bishop removes from office any Churchwardens of a Parish, the Bishop must appoint other persons so that there are three Churchwardens. At least two Churchwardens must be members of the Parish, who shall hold office for the duration of the period of Special Care.

#### **4.6 Dispensing with a Parish Council during periods of Special Care**

- (1) The Bishop may, after consultation with Bishop-in-Council, dispense with a Parish Council for the period of Special Care. In such instance, the Churchwardens are to undertake the functions of the Parish Council until the end of the period of Special Care.
- (2) At least one month prior to a Parish leaving a period of Special Care, the Bishop must convene a General Meeting of the Parish, the business of which will be the election of Parish Councillors and Churchwardens.



## CHAPTER 5 – PARISH RECORD KEEPING AND REGISTERS

### 5.1 Parish Roll

- (1) The Parish Priest must keep or cause to be kept one or more rolls of Parishioners which shall be revised in consultation with the Churchwardens at least annually.
- (2) The roll or rolls may be kept in written or electronic form but must be kept in perpetuity.
- (3) The Parish Priest and Churchwardens must upon request make available to the Bishop a copy of the roll or rolls.

### 5.2 Contents of the Parish Roll

The Parish roll or rolls should record, insofar as possible, the names of those persons who attended a church in the Parish on an average of at least once per month.

### 5.3 Contents of Parish Registers

The Parish Priest must cause a register or registers to be maintained, in perpetuity, with respect to each church of the Parish, in which he or she records or causes to be recorded:

- (a) in respect of each service of worship conducted in the church,
  - (i) the time, date, and description of the service;
  - (ii) the number of persons attending the service; and
  - (iii) the name of the person celebrating and/or preaching at the service;
- (b) in respect of each baptism service conducted in the Parish whether or not in the church,
  - (i) the date on which the baptism took place;
  - (ii) the full name and address of the person baptised;
  - (iii) the date of birth of the person baptised;
  - (iv) if the person baptised was an infant, the full name and contact information of each parent of the person;
  - (v) the names of the sponsors; and
  - (vi) the name of the officiant;
- (c) in respect of each confirmation service conducted in the church,
  - (i) the date on and place at which the confirmation service took place;
  - (ii) the full name and age of each person confirmed;
  - (iii) the date and place of baptism of each person confirmed;
  - (iv) the name of the person presenting each candidate; and

- (v) the name of the officiating Bishop;
- (d) in respect of each marriage conducted in the church, a copy of the official certificate of marriage; and
- (e) in respect of each funeral service conducted in or in association with the church,
  - (i) the date of the funeral service;
  - (ii) the name, address, and occupation of the deceased;
  - (iii) the deceased's date of death;
  - (iv) the place where the funeral service was conducted; and
  - (v) the name of the officiant

Note: In the case of Funerals, the Register should ideally include details of the next of kin of the deceased, including name, address and contact details, so that appropriate pastoral care can take place.

#### **5.4 Custody of Parish Registers**

- (1) The Parish Priest is responsible for the safe custody of all church registers and records, other than current books of account. Such registers may be kept in written or electronic form, and:
  - (a) If in written form, they must be kept in a secure place within the church or in such other place as the Bishop may from time to time appoint in writing.
  - (b) If in electronic form they must be kept in a manner prescribed by the Bishop.
- (2) The Bishop may direct in writing that all registers of a Parish not currently in use be delivered to the Registrar for storage in the Diocesan Archives.

#### **5.5 Access to Parish Registers**

- (1) The Parish Priest must make the church registers available on request for inspection by the Bishop, Diocesan Archdeacon, Regional Archdeacon, or another person appointed by the Bishop in writing for that purpose and must make a search of the register and furnish an extract if requested by such person.
- (2) The Parish Priest may on the application of any other person and on the payment of a reasonable fee make a search and furnish an extract from the register.

## **CHAPTER 6 – PARISH MEETINGS**

### **6.1 Annual Church Meetings**

An Annual Church Meeting for each licensed or consecrated church in a Parish may be convened and held prior to the Annual Parish Meeting.

### **6.2 Annual Parish Meeting**

The Annual Parish Meeting must be held each year no later than 30th April.

### **6.3 Convening of Annual Church and Annual Parish Meetings**

- (1) Each Annual Church Meeting and the Annual Parish Meeting shall be summoned by the Parish Priest. At least 2 weeks' notice of the time and place for each such meeting must be given.
- (2) Notice may be given in written or electronic form, in accordance with the usual means of communication used in the parish. Written form in this section includes a notice in the weekly parish bulletin or pew sheet, and electronic form includes a circular email.

### **6.4 Advanced availability of reports**

At least one week prior to the date selected for the Annual Church Meeting or Annual Parish Meeting, the Parish Priest and Churchwardens must make available copies of the statements of accounts and reports to Parishioners that form part of the business of the meeting.

### **6.5 Business of the Annual Church Meeting**

- (1) The business of the Annual Church meeting shall be:
  - (a) Prayer;
  - (b) Report by the Parish Priest;
  - (c) Reports by the Churchwardens or from Parish Council; and
  - (d) To consider any general business of which seven days' notice has been given in writing or which the meeting consents to consider.

### **6.6 Business of the Annual Parish Meeting**

The business of the Annual Parish Meeting shall be:

- (a) Prayer;
- (b) Presentation of pastoral review and report by the Parish Priest;
- (c) Presentation of reports (if any) by Parish officers;
- (d) Presentation of the financial report and audited statement of accounts and estimates of income and expenditure for the ensuing year;

- (e) At the meeting of 2024 and each three years thereafter, election of lay Synod representatives;
- (f) Election of two Churchwardens;
- (g) To determine the number of additional persons who will constitute a Parish Council;

*Note: section 7.12 provides for ex officio and additional members of Council. The additional members, if any, will number either three or six, with two thirds of them elected and one third appointed by the Parish Priest.*

- (h) Election of Parish Council;
- (i) Election of Parish members of the Parish Appointment Board;

*Note: section 3.6 provides for the election of parish members of the Appointment Board. Up to six persons must be elected, of which three must be churchwardens or members of parish council. The election of churchwardens and parish councillors should therefore take place early in the meeting with results counted and announced during the course of the meeting. The newly elected wardens and parish councillors then form the pool from which at least three members of the Appointments Board must be elected. The other three members may be wardens or parish councillors, or they can be drawn from the wider parish community.*

- (j) Appointment of one or more persons (who may be remunerated) to audit the books of account of the Parish, any church which maintains separate books of account and any Parish organisation in accordance with Schedule 1;
- (k) Making recommendations to the incoming church officers concerning Parish policy and programs for the current year in respect of any matter for which the Parish Council is responsible;
- (l) To consider any general business of which seven days' notice has been given in writing or which the meeting consents to consider.

## **6.7 Minutes**

Accurate minutes are to be taken of the proceedings of an Annual Church Meeting or an Annual Parish Meeting. Such minutes must be confirmed by the Parish Council at their next regular meeting and kept for at least seven (7) years after the meeting to which such minutes relate.

## **6.8 General Meetings**

- (1) Whenever he or she considers it appropriate, and whenever requested to do so by the Bishop, the Diocesan Archdeacon or a Regional Archdeacon, the Parish Priest must convene a General Parish Meeting, or a general meeting of Parishioners attending a particular church in his or her Parish to deal with such matters as are specified in the notice convening such a meeting.
- (2) If so required by the Bishop, a Parish building must be made available for the purpose of any meeting which may be called under this Ordinance by the Bishop, or a person appointed by the Bishop.

- (3) The provisions of this Ordinance with respect to Annual Meetings shall, subject to such changes as are necessary to suit the circumstances apply to each meeting of Parishioners.

### **6.9 Eligibility to participate in meetings**

While all are welcome to attend the Services of this Church, only those persons who make valid declarations under section 6.10 are eligible to participate in an Annual or General Meeting.

### **6.10 Declarations required to take part in a General Meeting**

- (1) A person other than the Parish Priest is not entitled to take part in or be counted for the purposes of a quorum or vote at a General Meeting unless that person has first subscribed the following declaration:

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

I have usually during three months within the past 12 months attended Divine Service at the Church of . . . at . . . I do not claim to be a Parishioner of any other Church of the Anglican Church of Australia.”

- (2) In the case of an Annual Meeting, the following additional material is to be added to the declaration:

“I have not voted at a general meeting of any other Church of the Anglican Church of Australia within the past three months, and I do not intend to vote at a general meeting of any other Church of the Anglican Church of Australia within the next three months.”

### **6.11 Quorum for General and Annual Meetings**

- (1) Ten persons who have signed the declaration referred to in the preceding section or the Parish Priest and nine such persons constitute a quorum at any General or Annual Meeting, unless a General Meeting of the Parish otherwise determines.
- (2) If no quorum is present within half an hour after the time appointed for the meeting, it shall be adjourned for seven days with the time and place for the adjourned meeting being the same as those appointed for the first meeting.
- (3) If a quorum is not present within half an hour of the time appointed for the adjourned meeting the meeting is dissolved and the Bishop or a person appointed by him may deal as he thinks fit with all the business that could have been dealt with at that meeting had a quorum been present.

### **6.12 Chair of General and Annual Meetings**

The Parish Priest, if present, is entitled to chair a General or Annual Meeting. However, the Parish Priest may, if he or she chooses, authorise another person entitled to take part in the meeting to chair the meeting and may revoke such authorisation at any time. If no other provision has been made, the meeting may elect its own chair.

## **CHAPTER 7 – BODIES AND OFFICERS OF THE PARISH**

### **PART 1 – GENERAL**

#### **7.1 Qualification for Office**

A person is not qualified to hold office in a Parish unless the person:

- (a) is a communicant member of the Anglican Church of Australia, and
- (b) has regularly attended Divine Service at a church in that Parish for at least six months, regardless of whether that person resides within the boundaries of the Parish.

#### **7.2 Disqualification**

No person in the Order of Priests or Deacons, no spouse of a Parish Priest or assisting clergy and no person who is engaged on a full or part time paid basis in a Parish shall be elected or appointed a Churchwarden or member of Parish Council, unless the Parish Priest has first obtained permission from the Bishop.

#### **7.3 Declarations by Office Holders**

At the earliest opportunity after election or appointment as an officer of a Parish or Special Ministry, the persons elected must make and sign a declaration in or to the following effect;

“I, \_\_\_\_\_, having been elected or appointed a [office] in the Parish of [name] declare that I am duly qualified to hold such office and that I will faithfully perform all the duties of my office and conform to the Ordinances of the Synod of the Diocese of Bathurst relating thereto.”

#### **7.4. Duty of Parish Officers**

It is the duty of the Parish Priest, the Churchwardens and Parish Council to work together in the administration of the temporal life and the promotion of the spiritual life of the Parish.

#### **7.5. Exercise of Power**

Any rights or authority conferred by this or any other Ordinance upon any Parish Priest, Churchwarden or other church officer, are to be taken to be conferred in order that they may be enjoyed and exercised for the benefit of the Anglican Church of Australia in the Parish or Diocese and not otherwise. This clause does not apply to the rights given to a member of clergy or stipendiary lay worker to the free use of the Parish Residence or other house for domestic purposes.

## **PART 2 – CHURCHWARDENS**

### **7.6 Election and Appointment of Churchwardens**

- (1) The Annual Parish Meeting must elect two qualified persons as Churchwardens for the Parish by a majority of the votes of the eligible persons present and voting.
- (2) The Parish Priest shall immediately before each election, or within one month thereafter, appoint one qualified person to be a Churchwarden for the Parish.

Note: The Parish Council is authorised to fill any vacancy in the office of elected Churchwarden.

### **7.7 Term of Office of Churchwardens**

- (1) A churchwarden elected or appointed at an Annual Parish Meeting holds office until the end of the next Annual Parish Meeting;
- (2) A Churchwarden elected or appointed to fill a casual vacancy holds office until the end of the next Annual Parish Meeting;
- (3) Churchwardens continue to hold office despite the destruction or delicensing of their church, but those Churchwardens cease to hold office seven days after the Bishop signs a notice to the Registrar and to those Churchwardens that they are to cease to hold office.

### **7.8 Churchwardens of New Parishes**

When a new Parish is ready for holding church services, but the time for holding its first Annual Meeting is not due, the Parish Priest must appoint three persons to act as Churchwardens until the first Annual Meeting is held.

### **7.9 Functions of Churchwardens**

- (1) The functions of a Churchwarden are:
  - (a) to act as confidential advisers to the Parish Priest, provided that the Parish Priest is not bound to accept the advice of the Churchwardens in respect of any matter;
  - (b) subject to the authority of the Bishop, to have the care of the Parish Priest and his or her family;
  - (c) to collect, or cause to have collected all money payable to the Parish, to cause the offerings of money and collections taken in connection with services in the Parish to be counted and to record the amounts of those offerings in the Parish Register;
  - (d) to have the care of all church grounds, external monuments and vacant land associated with the Parish, its furniture and other things related to the celebration of divine service and to see that everything is fit and in proper order for the due performance of divine service;
  - (e) to pay to the Parish Priest and other persons entitled to receive them, all such stipends and other amounts as are authorised by Parish Council to be paid in accordance with this Ordinance.

- (f) to report to the Bishop any grave irregularities in the performance of divine service and any wilful neglect of duty or any flagrant misconduct on the part of the Parish Priest or any other member of clergy officiating in the Parish.
  - (g) to act with the Parish Priest to make any decision on behalf of the Parish that must be made between meetings of the Parish Council.
  - (h) to exercise any functions or powers conferred on Churchwardens by this or any other Ordinance after consultation with the Parish Priest and the approval of Parish Council.
- (2) In the absence of the Parish Priest and any assistant Priest or Deacon, the Churchwardens have the following additional functions:
- (a) to ensure that church buildings are open in accordance with the provisions of this Ordinance and the direction of the Bishop;
  - (b) to retain custody of the Parish Registers and undertake all the functions of the Parish Priest under Chapter 5 of this Ordinance;
  - (c) to ensure that a Parish Roll is kept and stored securely;
  - (d) to convene meetings of the Parish Council in accordance with this Ordinance; and
  - (e) to ensure payment of all monies payable by the Parish.

#### **7.10 Acts of the Churchwardens**

An act done by any two Churchwardens is to be taken to be the act of the Churchwardens of that Parish, provided that all reasonable efforts have been taken to first consult the third Churchwarden at the time the act is done.

#### **7.11 Retirement of Churchwardens**

- (1) At or within seven days after the Meeting at which new Churchwardens are elected, the Churchwardens must deliver to their successors all duplicate keys, church papers, books of account, vouchers for payment and the balance of funds shown by the books of account as being in their hands, including the changing of signatories for all bank accounts and other financial institution accounts of the parish and its organisations as required.
- (2) On a casual vacancy arising in the office of a Churchwarden, all duplicate keys, church papers, books of account, vouchers for payment and funds of the church in the hands of the person who has vacated office –
  - (a) must be delivered to the remaining Churchwarden or Churchwardens by that person or his or her representative within seven days after the vacancy occurs; or
  - (b) if personal delivery is impracticable, must be recovered by the remaining Churchwardens as soon as possible.
- (3) Delivery of the keys, documents and funds referred to in subsections (1) and (2) constitute a constructive delivery of any interests at law in all the furniture and fittings of the church.



## **PART 3 – PARISH COUNCIL**

### **7.12 Constitution and composition of the Parish Council**

- (1) There shall be a Parish Council for each Parish.
- (2) A Parish Council shall consist of:
  - (a) the Parish Priest;
  - (b) the Churchwardens; and
  - (c) nil or three or six other members.
- (3) The Annual Parish Meeting must declare by resolution whether, under subsection (2)(c), nil, three or six additional persons constitute the Parish Council.
- (4) This section does not apply to All Saints' Cathedral Parish.

*Note: The composition and rules for election or appointment to the Parish Council of the Cathedral is governed by the Bathurst Cathedral Ordinance.*

### **7.13 Election and Appointment of Councillors**

- (1) At the Annual Parish Meeting two thirds of the number of councillors designated under s561 (3) are to be elected by a majority of the eligible parishioners present and voting.
- (2) One third of the remaining councillors are to be appointed by the Parish Priest.

Note: If the Parish determines to have 3 additional councillors, two will be elected and one appointed. If the Council has six additional members, four will be elected and two appointed.

### **7.14 Filling casual vacancies**

The Parish Council is authorised to fill any vacancy in the elected membership of the Parish Council and in the office of Churchwarden of the Parish.

### **7.15 Term of office of members of Parish Council**

- (1) A Parish Councillor elected or appointed at an Annual Parish Meeting holds office until the end of the next Annual Parish Meeting.
- (2) A Parish Councillor elected or appointed to fill a casual vacancy holds office until the end of the next Annual Parish Meeting.

### **7.16 Variation in composition of Parish Council**

The Bishop-in-Council may, on the application of the Churchwardens or a Parish Council, vary the structure of a Parish Council.

## **7.17 Functions of Parish Council**

- (1) The functions of the Parish Council are:
  - (a) to support the Parish Priest in the initiation, conduct and development of church work including the spiritual welfare of the Parish;
  - (b) to consult (on its own motion or on reference from a meeting of Parishioners, from the Bishop, any Assistant Bishop, the Diocesan or other Archdeacon, Regional Archdeacon or Parish Priest or in accordance with the provisions of any Act or Ordinance) on any measure or project affecting or likely to affect the interest of the Parish generally and to take proper action in accordance with the functions conferred on it by this or any other Ordinance;
  - (c) to have the charge and administration of all money and other property of the Parish (except money or other property excluded from that charge and administration by this Ordinance or the trusts under which it is held);
  - (d) to keep books of account of all money received and expended by them for at least seven (7) years after the financial year to which the books of account relate;
  - (e) to prepare budgets and financial reports to plan the financial care of the Parish and its buildings and grounds in accordance with Schedule 1;
  - (f) to receive and consider at least quarterly financial reports prepared by the Treasurer (refer section 7.27) or other person appointed to prepare such reports of Parish Council and all Parish organisations;
  - (g) to appoint at least three persons in addition to the Parish Priest as signatories for all bank accounts and other financial institution accounts of the parish and its organisations.
  - (h) to keep order in the church and its grounds;
  - (i) to repair the church and its grounds, fittings, fixtures and furniture and the Parish Residence, halls, and all other buildings and so much of their contents as are the property of the church in accordance with this Ordinance.
  - (j) to determine the stipend, benefits, allowances, and reimbursements of the Parish Priest subject to Chapter 7 of this Ordinance;
  - (k) with the consent of the Parish Priest, to fix the stipend or salary, benefits, allowances and reimbursements of any assistant Priest or lay worker in accordance with Chapter 7 of this Ordinance;
  - (l) to report promptly to the Registrar of the Diocese within 14 days the names and contact information of all persons elected at an Annual Parish Meeting or appointed to be trustees, Churchwardens, members of Parish Council or church committees, or appointed to fill any vacancy in any such position;
  - (m) to insure such persons as may be required by law to be insured for any purpose, and to effect the insurances in accordance with any regulations which may be made from time to time by Bishop-in-Council;

- (n) to provide the Parish Priest with sufficient means for the safe custody of all church registers and records; and
  - (o) to cause minutes to be kept of its proceedings, in a form prescribed by Bishop-in-Council, for at least seven (7) years after the date of the meeting to which the minutes relate.
- (2) The Parish Council must also prepare financial statements and reports of a Parish in accordance with regulations prescribed by Bishop-in-Council.
  - (3) The Parish Council may open and operate accounts as it considers appropriate for the purposes of the Parish with the Anglican Managed Investments Fund, or the Bank appointed by The Anglican Property Trust and endorsed by Bishop-in-Council to provide banking services to parishes and organisations of the Diocese. With the permission of Bishop-in-Council, upon cause shown, accounts may be opened with another financial institution.
  - (4) The Parish Priest shall be among the signatories for every bank account and other financial institution account of the parish and its organisations; this shall include electronic access where it is in operation. In this sub-clause, 'Parish Priest', shall include clergy in residence in a parish who are licensed by the Bishop as Bishop's Deacon, Bishop's Priest, or Deacon-in-Charge.

#### **7.18 Accountability**

- (1) The Bishop may call on any Churchwardens or members of a Parish Council for an account of their management of any Church trust property, including the production of the financial statements and books of account of the Parish.
- (2) The Bishop may submit any such accounts to the Registrar or auditors appointed by the Bishop for review and any fees of the auditor must be paid by the Churchwardens and Parish Council.
- (3) The Bishop must report any action taken under this section to the next meeting of Bishop-in-Council.

#### **7.19 Meetings of Parish Council**

- (1) The first meeting of the Parish Council is to be held within one month of the Annual Parish Meeting.
- (2) A Parish Council must meet at least once each quarter and the Parish Priest in consultation with the Churchwardens must convene all meetings.
- (3) The Bishop or the Bishop's nominee may convene any such meeting at any time that he or she sees fit.

#### **7.20 Conflicts of interest**

A member of a Parish Council is disqualified from taking part in the exercise of any function of the Parish Council if the member or a member of his or her family has a personal financial interest in the exercise of the function.

### **7.21 Quorum for meetings of the Parish Council**

For all meetings of the Parish Council, the quorum is one half of the members of the Council, fractions being counted as one.

### **7.22 Chairing meetings of the Parish Council**

- (1) The Bishop as President or his or her nominee may chair any meeting of a Parish Council;
- (2) In any other instance, the Parish Priest will chair Parish Council, unless he or she has appointed another person under sub-clause (3).
- (3) The Parish Priest may appoint another member of the Parish Council to chair one or more meetings. Such appointment may be revoked by the Parish Priest at any time;
- (4) If there is no person designated to chair a meeting, Parish Council may choose a member to chair that meeting.

### **7.23 Leave of absence of Churchwardens and members of Parish Council**

The Parish Priest or the Parish Council may grant leave of absence to Churchwardens and members of the Parish Council.

### **7.24 Decisions of a Parish Council without a meeting**

- (1) The members of the Parish Council may pass a resolution without a meeting of the members being held if:
  - (a) a document setting out the proposed resolution is provided or sent to each member either personally or at the last postal or electronic mailing address provided by the member for the purpose of receiving material in connection with meetings of the Council, said document including a statement setting out the time and date by which members must respond to the proposed resolution; and
  - (b) fractions being counted as one, 75% of the members who would be entitled to vote on a motion for the resolution at a meeting of the Council notify the Secretary (refer section 7.26), or a person nominated by the Secretary, that they are in favour of the proposed resolution, by returning to that person a signed statement to that effect or otherwise confirming the same to that person by electronic means before the time and date set out in (a) above;

provided that the proposed resolution will not pass as a resolution under the provisions of this rule if any member who would be entitled to vote on a motion for the resolution at a meeting of the Council notifies the person who provided or sent the document, before the time and date set out in (a) above, of their unwillingness for the proposed resolution to pass as a resolution under the provisions of this rule.

- (2) Separate copies of a document may be used for the purposes of sub-rule (1) if the wording of the resolution is identical in each copy.
- (3) The resolution is passed when the requirements of sub-rule (1) are satisfied.

- (4) A resolution passed under this rule is to be recorded in the minutes of the next meeting of the Parish Council.

#### **7.25 End of appointment of Churchwarden or member of Parish Council**

- (1) A Churchwarden or member of the Parish Council whether elected or appointed shall cease to hold office:
- (a) if he or she is absent from three consecutive meetings without the leave of the meeting or the Parish Priest;
  - (b) if he or she ceases to attend the services of the Anglican Church in that Parish or joins or becomes a member of some other religious denomination;
  - (c) if he or she dies;
  - (d) if he or she resigns;
  - (e) if he or she is declared by a court or tribunal as being incompetent to manage his or her affairs or property;
  - (f) if he or she is removed by Bishop-in-Council in writing after due inquiry on a complaint by the Bishop, the Parish Priest or not less than half the Parish Council or after an investigation by the Diocesan Professional Standards Committee;
  - (g) if he or she ceases to meet any criteria required to be eligible for election or appointment to that office; or
  - (h) immediately before the election or appointment of a successor.
- (2) A vacancy occurs when the Parish Priest first receives the resignation or formal notice of the other fact or circumstance causing the vacancy.

## **PART 4 – OTHER OFFICERS AND APPOINTMENTS**

### **7.26 Parish Secretary**

A Parish Council may appoint one of its members to act as Parish Secretary or may, with the consent of the Parish Priest, appoint any other person to act as Secretary and may remove any such person from office at any time. If such a person is not a member of the Council, they are not entitled to vote at any meeting of the Council.

### **7.27 Parish Treasurer**

- (1) A Parish Council may appoint one of its members to act as Parish Treasurer or may, with the consent of the Parish Priest, appoint any other person to act as treasurer, accountant or bookkeeper and may remove any such person from office at any time. If such a person is not a member of the Council, they are not entitled to vote at any meeting of the Council.
- (2) The appointment of a treasurer does not remove from the Churchwardens and each member of the Parish Council his or her responsibility for the charge and administration of any funds or property of the church.

### **7.28 Appointment of Musicians**

An organist, choirmaster and the members of a choir or liturgical musicians of a church may, from time to time, be appointed or removed by the Parish Priest and exercise their ministry under the direction and oversight of the Parish Priest.

### **7.29 Appointment of Servers**

The Parish Priest may appoint one or more servers, crucifers, thurifers or other attendants and the Parish Priest may remove any of these persons from office at any time.

### **7.30 Appointment of Verger and Other Staff**

The Churchwardens of a church may, with the agreement of the Parish Priest, appoint, with or without payment, a verger, cleaner, gardener or other person to perform duties in or about the church, hall or other building used in connection with the church and may, with the agreement of the Parish Priest, remove any such person from office at any time.

## **PART 5 – PARISH ORGANISATIONS**

### **7.31 Purpose of Parish Organisations**

Every organisation formed by members of the Anglican church within a Parish exists for the furtherance of the work of the Parish, any church within the Parish, the Diocese or the missionary and other work of the Anglican Church of Australia or any of its organisations and may raise funds only for such purposes and for its own internal expenses.

### **7.32 Control of Parish Organisations**

- (1) Subject to the powers of the Bishop, the Parish Priest has control of the policy, organisation and affairs of any Sunday school, Bible class, study group, youth fellowship, guild, choir, musicians, servers or other organisation of the Parish, the Parish branch of any Diocesan organisation or any church of the Parish.
- (2) The Parish Priest may appoint and remove any superintendents, teachers, leaders, or other officers as he or she thinks fit. The Parish Priest may delegate all or any of the powers conferred by this section.

### **7.33 Duties of Treasurers of Parish Organisations**

- (1) The treasurer or other officer acting for the time being as treasurer of each such Parish organisation must, in addition to his or her general duties:
  - (a) prepare a statement of receipts and payments of the organisation for each financial year;
  - (b) prepare statements of the assets and liabilities as at the last day of that financial year;
  - (c) present the statements for audit to the auditor appointed or approved by the Parish Council or provide unaudited accounts to the Parish Council for arrangements to be made for auditing by the Parish auditor;
  - (d) present the statements duly audited to the Parish Priest and Parish Council in time for them to be presented to the Annual Parish Meeting of the organisation;
  - (e) prepare a budget for the upcoming financial year by 31 October of the current year for approval by the parish council; and
  - (f) submit the budget in paragraph (e) to the Registrar.
- (2) The Parish Financial statements required in this section must be prepared and audited in accordance with Schedule 1 and any regulations prescribed by Bishop-in-Council.

### **7.34 Defunct organisations**

If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the church or Parish, and its books and records must be given to the Parish Priest within three months and thereafter shall remain in the custody of the Parish Priest.

## **CHAPTER 8 – PARISH FINANCES AND PROPERTY**

### **8.1 Investment of funds**

- (1) All funds collected, subscribed or raised for the erection, renovation or alteration of Parish buildings, the purchase of furniture, fittings and fixtures or a Parish car must, until such time as those sums are required, be paid to the Anglican Church Property Trust Diocese of Bathurst (the Property Trust) together with an explicit statement of the purpose or purposes for which such monies were collected, subscribed or raised.
- (2) Unless the Property Trust otherwise decides, all monies received in accordance with this section must be invested in the Anglican Managed Investments Fund (Diocese of Bathurst) and appropriate measures taken to identify the monies and the purpose for which they are held.

### **8.2 Application of invested funds**

- (1) Parish Council may resolve to apply any invested funds to the purpose for which they were originally collected, and they may apply to the Bishop for release of those funds. An application must be signed by each of the Churchwardens, be countersigned by the Parish Priest and be accompanied by a certified copy of the resolution of Parish Council approving the expenditure.
- (2) If the Bishop is satisfied that such application is in order, he must give a certificate to that effect to the Property Trust which must forthwith pay the funds to the person or persons named in the certificate.
- (3) If the Bishop is not satisfied he must refer the matter back to the Parish for any explanation he may request and upon receiving a response from the Parish, reconsider the issue of a certificate.

### **8.3 Prohibition on Parish borrowings**

A Parish shall not borrow any monies.

### **8.4 Bequests**

Should it come to the attention of the Churchwardens of any Parish that a deceased person has devised or bequeathed to the church or Parish any money or other property they must immediately advise the Registrar.

### **8.5 Gifts for specific purposes**

- (1) Any monies received by the Churchwardens of any church in respect of a bequest of monies or a gift of money in excess of the prescribed amount for a particular purpose within the Parish or a particular church within the Parish must within one month of receipt, be paid into the Anglican Managed Investments Fund (Diocese of Bathurst) ("Fund").
- (2) The Churchwardens must notify the Registrar of the terms and conditions in respect of such bequest or gift and of the purpose for which it was bequeathed or given.



- (3) The provisions of section 8.2 with respect to the application for payment out of the Fund and as to the Bishop's certificate shall apply to monies paid into the Fund in accordance with this section.
- (4) This section does not apply to any monies which, at the time of their receipt, are bona fide intended by the Parish to be used within 12 months of receipt, provided that if at any time within those 12 months it is clear that they will not be used they must immediately be paid into the Fund in accordance with subsection (1).
- (5) The prescribed amount is \$1,000 or such greater amount as is from time to time prescribed by resolution of Bishop-in Council.

#### **8.6 Vesting of Property**

- (1) Where any church or Parish benefits from a devise of real estate, the Churchwardens and Parish Priest must as soon as practicable, unless exempted from this requirement by Ordinance, ensure that the land concerned is vested in the Property Trust to be held on the trusts declared by the testator making the devise.
- (2) The Parish Priest and Churchwardens of a church or Parish must advise the Registrar of any personal property bequeathed to the Parish or any church, and, subject to the trusts which affect such personal property, follow the directions of The Anglican Property Trust with respect to that property.
- (3) Pursuant to section 19 of the *Anglican Church of Australia Trust Property Act, 1917* the Synod of the Diocese of Bathurst hereby consents to all church trust property for the Diocese of Bathurst which may at the time of passing the Ordinance belong to or be vested in any trustee or trustees being vested by virtue of such section in The Anglican Property Trust.

#### **8.7 Use of Parish Funds**

- (1) Funds of a Parish shall be held on trust for the purposes of the Anglican Church of Australia in that Parish and for such other Diocesan and missionary purposes as may be specified by Ordinance.
- (2) Parish funds may be expended for Parish purposes or in accordance with the Ordinances and budgets passed by the Synod.
- (3) On the revocation of a Parish, its funds shall be directed to such purposes of the Diocese or of a Parish, Parishes, or Special Ministry or otherwise as Synod resolves is appropriate.
- (4) This section does not apply to moneys of a Parish held pursuant to specific trusts insofar as those trusts are inconsistent with this section.

#### **8.8 Parish website**

Any Parish web site must comply with any guidelines issued by Bishop-in-Council from time to time.

## **CHAPTER 9 - CHURCH BUILDINGS AND GROUNDS**

### **9.1 Trusts of property**

- (1) All grounds and buildings of the Diocese of Bathurst or of a Parish or organisation of the Diocese are generally owned at law by The Anglican Property Trust on trust for the purposes of the Anglican Church of Australia in this Diocese
- (2) Such trust may be for Diocesan, Parish, or other use as recited in the relevant declaration of trust.

### **9.2 Gifts of land and buildings**

- (1) Should any person give or devise any land or buildings to the Diocese, a Parish or Church organisation, the persons receiving notice of the gift must notify the Property Trust of the terms of the gift and must arrange for the gift to vest in the Property Trust.
- (2) A person who wishes to provide land or an existing building to a Parish for any purpose must obtain the approval of the Bishop and the Property Trust and thereafter transfer the land to the Property Trust.
- (3) This section does not apply to a person who wants to provide land or buildings by bequest.

### **9.3 Responsibility for Parish buildings and grounds**

- (1) It is the responsibility of the Churchwardens of each Church in the Parish and the Parish Council in co-operation with the Parish Priest to look after and administer all Parish property.
- (2) In order to fulfil this responsibility, the Churchwardens must:
  - (a) cause an annual inspection to be made of all Church buildings;
  - (b) present a report of that inspection to the Parish Council;
  - (c) advise the Parish Council what provision should be made in the Parish budget for repairs;
  - (d) carry out necessary repairs in a good and workmanlike manner, provided that funds are available to do so and provided that they do not change the fabric of the building;
  - (e) promptly advise the Registrar of;
    - (i) any problem that may have a bearing on the insurance of buildings in the Parish; and
    - (ii) any necessary repairs which cannot be funded by the Parish;
  - (f) make and maintain a list of the state of repair of all Parish buildings and grounds and an inventory of the fittings, furniture, and equipment within the Parish; and
  - (g) immediately before the Annual Parish Meeting prepare for distribution with other reports required under Chapter 5 of this Ordinance a report of the state of the Parish buildings, fittings, furniture, and equipment.

- (3) Each Parish Council must at its first meeting after the Annual Parish Meeting appoint a sub-committee of no more than five people to keep the Church buildings, grounds, fittings, furniture, and equipment under constant observation and to report regularly to the Parish Council.

#### **9.4 Obtaining advice on property maintenance needs**

- (1) By 31 December 2024 and every five years thereafter the Churchwardens must obtain advice from a suitably qualified person recommended by the Bishop's Registrar as to what works are necessary to maintain the Parish buildings and the priority of each recommended item and the approximate cost.
- (2) A copy of the advice must be sent to the Registrar within one month of its receipt by the Parish.

#### **9.5 Budgeting for property maintenance needs**

Churchwardens and Parish Council must endeavour to make adequate provision for the maintenance of Parish buildings when formulating Parish budgets.

#### **9.6 Alteration of Church or Parish Buildings**

- (1) No person may significantly alter any Church property including felling trees, establishing gardens or memorials in the grounds, refurbishing, or redecorating any building without first obtaining the appropriate authority under this Ordinance.
- (2) A Parish Priest, Parish Council, Churchwarden, or any other person wishing to erect or effect significant alterations or refurbishments to:
  - (a) a building intended for use as a Church, hall, or worship centre; or
  - (b) a house for the use of clergy, stipendiary lay workers, or employees of the Parish; or
  - (c) any building for commercial or investment purposes; or
  - (d) any retirement or community housing; or
  - (e) any infrastructure or other improvements to the grounds on which any of the foregoing buildings are erected or proposed to be erected;

must first obtain approval for the proposed works from the Bishop and The Property Trust.

- (3) If an approval is given subject to conditions the works may be executed only if there is strict compliance with such conditions.

#### **9.7 Work on or use of vacant land**

- (1) No cutting of trees, redevelopment, or application to rezone land which constitutes Church Trust Property may be carried out or made without the approval of the Property Trust.
- (2) Such approval may only be given following the application of the Parish Priest and Parish Council in accordance with this Chapter.

## **9.8 Applications for approval**

- (1) An application to The Anglican Property Trust for approval of works under section 9.6 or 9.7 must:
  - (a) be first approved by a specific resolution of a duly convened meeting of the Parish Council of the Parish in which the relevant land or building will be or is situated; and
  - (b) be signed by the Parish Priest and two Churchwardens; and
  - (c) be accompanied by a copy of the resolution of the Parish Council certified by the Parish Priest; and
  - (d) be accompanied by written statements from any member of Parish Council or of any member of the Parish who objects to the proposal, detailing the nature of the objection; and
  - (e) be accompanied, where applicable, with site plans, building plans and specifications in relation to the proposed works, draft contracts, and copies of three tenders to undertake the proposed works by an appropriately qualified and licensed contractor; and
  - (f) where applicable, contain information sufficient to satisfy the Property Trust that arrangements will be made for the proper and adequate supervision of the proposed works; and
  - (g) where applicable, contain a business plan, financial feasibility study, copies of audited financial statements of the Parish for the previous three years and management financial statements for the period to the month ending immediately prior to the meeting of the Parish Council at which the resolution was adopted.
- (2) The form of the resolution of the Parish Council should be agreed with the Registrar or his or her nominee prior to the meeting of Parish Council and the preparation of the application.
- (3) All site plans, building plans and specifications for any such works must be prepared by a suitably qualified person in accordance with any guidelines laid down by The Anglican Property Trust and this Ordinance.
- (4) No building work may commence until an approval under this section has been given to the works in addition to any necessary approval from any relevant statutory authority.

## **9.9 Alteration of Churches or Consecrated Ground - Faculties**

- (1) Unless exempted by regulation of the Bishop on the advice of Bishop-in-Council no one shall:
  - (a) alter, add to, or take away from the fabric, utensils, ornaments, or furniture of a Church; or
  - (b) place any monument, memorial, or tablet in or upon any part of a Church or lands comprising Church Trust Property; or
  - (c) erect any wall or establish any gardens on Church Trust Property in which to inter the ashes of any deceased person or use any such wall or garden for that purpose

except with the approval of the Bishop by a faculty or other form of permit.

- (2) This section shall not prevent a Parish Council permitting any minor alteration, repair or addition to an existing monument, memorial, or tablet in a burial ground.

### **9.10 Applications for Faculties**

An application for a faculty must be submitted to the Bishop by the Parish Priest and Parish Council. The Bishop on the advice of Bishop-in-Council may from time to time make regulations relating to the practice, procedure, forms, and fees to be paid in respect of all faculty matters.

### **9.11 Consecration and licence of Churches**

- (1) No building intended to be used regularly for the celebration of Divine Service is to be used for that purpose unless the building has been licensed or consecrated by the Bishop as a Church.
- (2) An application for licence or consecration must be addressed to the Bishop and made by the Parish Priest of the Parish in which the building is situated.
- (3) No building shall be licensed or consecrated as a Church until the land on which the building is erected has been vested in the Property Trust or a trustee approved by the Bishop-in-Council and the building has been provided with such things as may be requisite according to the law and usage of the Anglican Church of Australia within the Diocese of Bathurst.

### **9.12 Name of the Church**

- (1) The name of a Church is as specified in the Bishop's licence or sentence of consecration.
- (2) That name may only be changed by the Bishop on the basis of a request of the Parish Priest and Churchwardens and after consultation with the members of the Parish.

### **9.13 Temporary Churches**

Where a building erected on Church Trust Property in a Parish is licensed or consecrated as a Church, the Bishop may license temporarily any other building in that Parish to be used for a specified period or from time to time as a Church if requested to do so by the Parish Priest and Parish Council.

### **9.14 Use of Churches**

- (1) A Church may only be used for the following purposes;
  - (a) the conduct of a service of public worship of the Anglican Church of Australia in the Diocese;
  - (b) the conduct of any activity of the parish;
  - (c) Bible reading and prayer; and
  - (d) such other purposes as the Bishop may approve in writing from time to time, either generally or in any particular case or classes of cases, and with or without conditions, and provided that in an emergency or for a temporary period the approval of the Parish Priest shall be sufficient.

- (2) A person may not use a Church for a purpose permitted under this Ordinance except in accordance with the provisions of this section, and with the consent of the Parish Priest or in the absence of the Parish Priest, with the consent of the Bishop.

#### **9.15 Worship centres other than Churches**

- (1) A Regional Archdeacon may, after consultation with the Bishop, authorise the use of any land or building whether Church Trust Property within the Diocese or otherwise to be used for such worship purposes as he or she considers appropriate.
- (2) The provisions of this Ordinance apply insofar as they are reasonably applicable to any worship centre.

#### **9.16 Closure of Churches**

- (1) Should the Parish Priest or Churchwardens of a Church, an Archdeacon or a Regional Archdeacon come to the view that a Church should be closed, he, she or they must;
  - (a) discuss the proposal with the Bishop; and
  - (b) discuss the proposal with the Parish Council of the relevant Parish;
  - (c) unless the person initiating the proposal is a Regional Archdeacon, consult with the Regional Archdeacon and obtain his or her views; and
  - (d) convene a General Meeting of the Parish to ascertain the views of Parishioners, including inviting written objections to the proposed closure;

and, having done all these things, recommend in writing to the Bishop that services be discontinued and the Church be closed.

- (2) Any recommendation under this section must contain -
  - (a) the reasons for the proposed closure;
  - (b) an assurance that there is no
    - (i) disagreement over the proposal, or,
    - (ii) alternatively, details of any disagreement;
  - (c) a declaration from the Churchwardens of another Church in the relevant Parish or an adjacent Parish that they will assume responsibility for the payment of rates and other outgoings and the care of the property, buildings and furniture of the Church being so closed;
  - (d) a report on any funds for which the Churchwardens of the other Church and Parish council are to become responsible;
  - (e) a list of any valuable items and details of where they will be stored;
  - (f) details of arrangements made for the removal of any memorials and their storage; and

- (g) an indication of a possible future use of the property including if it is proposed that the property is to be sold, leased, or developed, the likely sales proceeds or lease income and the proportion and amount to be contributed from those proceeds to the Diocesan Ministry Fund.

3 After receipt of such recommendation the Bishop may revoke the licence of the Church.

### **9.17 Activities on Parish property**

- (1) Subject to subsection (2) and prior agreement in writing by the Registrar or his or her nominee that relevant insurance arrangements are satisfactory, the Parish Priest, Churchwardens and Parish Council may agree to the use of Parish property for such community activities as they consider proper.
- (2) No long day care centre, pre-school, kindergarten, school or college or similar educational activity requiring governmental registration, licence or authorisation is to be commenced or be conducted by any priest, Churchwarden, Parish Council on any Church Trust Property unless
  - (a) Bishop-in-Council has given written consent;
  - (b) any lease or license to occupy, where appropriate, is duly granted by the Property Trust; and
  - (c) all insurance arrangements are agreed by the Property Trust and the Registrar.
- (3) The Parish Priest, Churchwardens and Parish Council may, with the consent of the Bishop on the advice of Bishop-in-Council use Parish property for commercial activities.
- (4) In cases where an Ordinance is required under the *Anglican Church of Australia Trust Property Act 1917* or otherwise, a draft of the appropriate Ordinance must be submitted to Bishop-in-Council when such consent is sought.

### **9.18 Information from trustees**

Where any real or personal property is held upon trust for a Parish or any organisation within a Parish or for any Diocesan organisation or for the Diocese by trustees other than the Property Trust, Bishop-in-Council may require such trustees to furnish to it within one month of the request or such other time as may be stipulated in the request, any information which Bishop-in-Council considers it should have with respect to the trust and such trustees must comply promptly with the request.

### **9.19 Burial grounds**

- (1) Where a burial ground which is Church Trust Property is under the administration of the Parish Priest or Churchwardens of a Parish, such land must not be used for any purpose other than the burial of the dead, according to the rites and ceremonies of the Anglican Church of Australia.
- (2) The Bishop may, after application from the Parish Priest, approve in writing the burial of the dead after rites and ceremonies of denominations other than the Anglican Church of Australia.
- (3) The Bishop may make regulations for the implementation of subsection (2) including the persons who may exercise the authority of the Bishop under that subsection.

- (4) The trustees of the burial ground may make and from time to time alter rules, regulations, and scales of fees for the management of the burial ground, for interments therein, for the enclosure of land in the burial ground by kerbing or otherwise, and for any other matters.

Note: The administration and management of burial grounds must comply with the Cemeteries and Crematoria Act 2013 (NSW) and Regulations.

#### **9.20. Visitation of the Archdeacon**

- (1) An Archdeacon or Regional Archdeacon or a person authorised for that purpose by the Bishop may from time to time make an official visit to the Parish Priest and Churchwardens of a church or Parish within his or her area for the purpose of being satisfied that:
- (a) services are being duly and properly conducted in each church in the Parish substantially in accordance with the Book of Common Prayer or another authorised Prayer Book or any variations as are lawful in that place;
  - (b) any buildings or property held upon trust for the Parish are being properly maintained and repaired;
  - (c) the Parish is being otherwise properly administered; and
  - (d) records are being maintained in accordance with this Ordinance and the law of the Church.
- (2) The Diocesan Archdeacon, a Regional Archdeacon or any other person authorised under this section, may, with the approval of Bishop-in-Council, request the Parish Priest, Parish Council or the Churchwardens of a church or Parish within his or her area to furnish any return as to any matter, act or thing occurring within the Parish; and the Parish Priest, Parish Council or Churchwardens as the case may be must use their best endeavours to comply with such request.



## **CHAPTER 10 – CLERGY RIGHTS AND DUTIES**

### **PART 1 – QUALIFICATIONS, LICENSING AND RELATED MATTERS**

#### **10.1 Qualifications of clergy**

- (1) No person may be licensed to officiate as a member of clergy in the Diocese of Bathurst unless the Registrar has first received evidence:
  - (a) of Ordination;
  - (b) of nomination to a position in the Diocese; and
  - (c) that he or she is a person is in good standing in the Anglican Church of Australia.
- (2) No person may be appointed a Priest or Deacon in the Diocese until after that person has sworn an oath of canonical obedience to the Bishop.
- (3) This section is satisfied if it is complied with once, either after Ordination or on taking up ministry in the Diocese.
- (4) This section does not apply to a person invited by the Bishop, or by a Parish Priest with the agreement of the Bishop, to take part in a particular service of worship in the Diocese.

#### **10.2 Licensing of clergy**

All Priests and Deacons must hold a current licence from the Bishop before officiating in a Parish.

#### **10.3 Revocation of licences**

- (1) Subject to the Anglican Church Constitution Act, 1902 and the Constitutions of that Act, all licences to clergy are revocable by the Bishop without the need to assign cause, on two months notice to the holder.
- (2) In the Diocese of Bathurst, the powers, provisions, and protections of Constitution 21 of the Constitutions for the management and good government of the Church of England in New South Wales shall be read as applying to male and female members of the clergy.

*Note: Constitution 21, in the Schedule to the Anglican Church of Australia Constitutions Act 1902 (NSW Parliament), headed 'Clergyman's Licence when to be withdrawn' reads: "The Synod of each Diocese shall have power to determine by ordinance in what cases the licence of a clergyman licensed within the Diocese may be suspended or revoked. Such licence may be suspended or revoked by the Bishop of the Diocese at a clergyman's own request, or (after opportunity given to him to show cause) in such of the cases as the Synod shall by ordinance determine. Save as aforesaid, the licence shall not be suspended or revoked, except as a consequence of a judgment or finding of the tribunal or of some other court of competent jurisdiction."*

#### **10.4 Resignation of clergy**

- (1) A member of clergy may resign his or her charge by notice to the Bishop. Such resignation shall become effective on acceptance by the Bishop.

- (2) The Bishop may require the person submitting the resignation to discharge the duties of his or her office for up to a further two months, during which period, the person shall be entitled to receive the same stipend, benefits, and allowances as he or she received immediately prior to their resignation.

#### **10.5 Suspension from office**

In addition to the matters contained in this Ordinance, a member of clergy ceases to hold office pursuant to a sentence or order made pursuant to the *Clergy Discipline Ordinance, 1965-1993*.

#### **10.6 Exchange of parishes**

- (1) Should any two Parish Priests wish to effect an exchange of Parishes they must consult the Bishop and obtain his approval in principle.
- (2) If such approval is granted, and the majority of the members of the Parish Appointment Board for each Parish agree in writing, the Bishop must revoke the then current licence of each Parish Priest and issue a fresh licence in respect of the Parish to which he or she is to move.

#### **10.7 Celebration of marriage**

- (1) Under the provisions of the *Marriage Act, 1961*, the Bishop may request the Deputy Registrar of Ministers of Religion in the State of New South Wales to register a member of clergy to solemnise marriages.
- (2) The Bishop may, for any cause he deems to be sufficient, request that the name of any member of clergy be removed from that list.
- (3) The Bishop may make regulations as to the celebration of marriages in the Diocese.

#### **10.8 Joint parish ministry**

- (1) The Bishop may appoint two or more persons in the order of Priests to be Joint Parish Priests of a Parish or to exercise any other function customarily discharged by one person in Holy Orders.
- (2) An appointment as Joint Parish Priest ends on the death, resignation, or retirement of any one of the Priests or upon the suspension from duty of any one of them by the Bishop under the *Clergy Discipline Ordinance 1965-1993*.

#### **10.9 Team Ministry**

Nothing in this Ordinance shall prevent the Bishop from permitting a team ministry in a Parish, or a Special Ministry, and may from time to time be guided by a memorandum of understanding agreed to by the Bishop.

## **PART 2 – CLERGY ENTITLEMENTS**

### **10.10 Parish Priest's right to use property**

- (1) The Parish Priest shall have free access and admission into any church building or grounds (excluding any residence other than his or her own residence) within and held on trust for the Parish and may freely exercise his or her spiritual functions within those buildings or grounds without hindrance.
- (2) The Parish Priest is entitled to keys to all Parish grounds, buildings, and storage areas.
- (3) No gathering of people may be held on the grounds of or in any building in the Parish without the full knowledge and consent of the Parish Priest.

### **10.11 Stipends, benefits, allowances, and reimbursements**

- (1) A Parish Council must pay to the Parish Priest and to each other stipendiary Priest, Deacon or lay stipendiary worker the minimum stipend, benefits, allowances, and reimbursements fixed by Bishop-in-Council.
- (2) A Parish Council may pay a higher amount than the minimum provided that there is compliance with the provisions of subsection (4).
- (3) A Parish complies with this section if, pursuant to a centralised clergy payment scheme adopted by Bishop-in-Council, a Parish pays to the Registry a single amount to cover the stipend, benefits and allowances of the Parish Priest and each other stipendiary Priest or Deacon, and must do so if Bishop-in-Council so directs.
- (4) Except where the minimum amount fixed by Bishop-in-Council is being paid, the stipend, benefits, allowances and reimbursements of the Parish Priest and each other stipendiary Priest, Deacon or lay stipendiary worker are not to be altered without the joint consent of the Parish Council, the Parish Priest, any other Stipendiary Priest or Deacon affected by the proposed change and the Bishop.

### **10.12 Clergy housing and housing benefit**

- (1) Each parish must either provide a residence for all full-time members of clergy on its staff in accordance with this Ordinance and any regulations of Bishop-in-Council or, with the approval of the Bishop, provide a housing benefit (at rates set by Bishop-in-Council) to allow full-time clergy to arrange their own accommodation.
- (2) Each parish must either provide part-time clergy on its staff with full use of a parish residence (subject to the approval of the Bishop) or a pro-rata housing benefit (at rates set by Bishop-in-Council).

### **10.13 Minimum standards of residences**

Bishop-in-Council may make regulations as to the minimum standards of residences for clergy in the Diocese and the Registrar must make available a copy of the current regulations without charge to any person reasonably requiring a copy of them.

#### **10.14 Requirement to reside in Parish residence or other approved location**

The Parish Priest must reside in the Parish Residence and is entitled to the free use of the home for domestic purposes; or, if the Bishop and Parish Council approves otherwise, in another residence within the Parish.

#### **10.15 Requirement to care for Parish provided residence**

All clergy residing in a parish provided residence are to look after the property as if they were renting it, including fulfilling such conditions set out in any regulations or policies determined by Bishop-in-Council from time to time.

#### **10.16 Car benefit**

- (1) A Parish Priest is to be provided with a monthly car benefit at the rate from time to time fixed by Bishop-in-Council.
- (2) A Parish may provide a car for use by the Parish Priest in lieu of payment of a car benefit, but only with the agreement of the Parish Priest and the approval of the Bishop.
- (3) Bishop-in-Council may from time to time make regulations for Parish cars and any car provided by a Parish must comply with these regulations.
- (4) The car must be maintained in good and serviceable condition by the Parish.
- (5) Where a Parish car is provided, the Parish Priest must be allowed reasonable personal use of the Parish car including use during annual leave at his or her own expense as to the cost of fuel.
- (6) A member of Clergy having use of a Parish car must treat that car with as much care as if it were his or her own property.

#### **10.17 Superannuation**

- (1) Every licensed stipendiary member of the clergy of the Diocese of Bathurst shall make provision for his or her superannuation by becoming a member of an approved superannuation fund.
- (2) There shall be paid into their nominated Superannuation Fund in each year in respect of each stipendiary member of the clergy, the percentage of the annual stipend determined from time to time by Bishop-in-Council.
- (3) The Parish to which the stipendiary member of the clergy is licensed shall from the resources of that Parish pay the full amount required under subsection (2).
- (4) Should a stipendiary member of the clergy not be licensed to a Parish, then the organisation or corporation to which this person is licensed shall make the contribution required under subsection (2), and if there is a dispute as to which is the organisation within the meaning of this sub-paragraph, the ruling of Bishop-in-Council on such question shall be final.

- (5) In respect of the Bishop, any Assistant Bishop and any clergy holding a special or general licence not being responsible to a Diocesan Organisation, the Diocese shall be deemed the organisation for the purposes of subsection (4) hereof unless Bishop-in-Council otherwise determines that some other person or entity is the appropriate organisation to make such contribution.
- (6) Nothing in this section shall prevent a parish, organisation, or stipendiary member of the clergy from paying more than the amount required under subsection (2).

#### **10.18 Arrangements for the payment of superannuation**

- (1) On or before the first day of each month, the Parish, and each organisation to whom subsection 121(4) applies shall, on invoice, remit to the Diocesan Business Manager one twelfth of the sum required to be paid under subsection 121(2) .
- (2) The Diocesan Business Manager shall pay to the appropriate officer of the relevant fund which the member has joined monthly, but no less than quarterly, the full amount of the premium on account of each member as provided in this ordinance.

## **PART 3 – LEAVE FOR CLERGY**

### **10.19 Entitlement to annual leave**

- (1) Each member of clergy is entitled to annual leave for a period of 4 working weeks in each calendar year. A working week means the number of days each week that a clergyperson is remunerated for. A standard working week is 5 days.
- (2) Annual leave must not include more than four Sundays (except with the consent of the Churchwardens or the approval of the Bishop).
- (3) A Leave Notification Form for Parish Clergy is to be completed by all Clergy and lay stipendiary workers each time leave arrangements are finalised.

### **10.20 Accrual of annual leave**

- (1) Annual leave may not be accrued beyond eight weeks unless approved in writing by the Bishop.
- (2) The Bishop may direct that any leave entitlement accrued in excess of the limit specified in subclause (1) be taken.

### **10.21 Taking annual leave before entitlement accrues**

- (1) The Bishop may authorise a member of clergy to take all or part of his or her annual leave before that member of clergy has become entitled to it.
- (2) The Bishop must first consult with the Parish Council before granting such authorisation.

### **10.22 Entitlement to study leave**

- (1) Study leave provides clergy with one working week's leave each year for spiritual growth, development of professional skills and knowledge. (Study leave does not include the annual Clergy Conference and Retreat.)
- (2) The approval of the Bishop is required for study leave.
- (3) Study leave cannot be accrued.

### **10.23 Entitlement to parental leave**

A member of clergy or a salaried lay employee of the Diocese may take Parental Leave in accordance with the regulations for Parental Leave in force from time to time in the Diocese.

### **10.24 Short-term leave**

A Parish Priest who will be absent from his or her Parish for any period exceeding 4 consecutive days must inform the Churchwardens and the Bishop of that absence.

### **10.25 Weekly leave**

- (1) Each member of clergy shall ensure that he or she has one day per week, other than a Sunday, completely free of duty.

- (2) However, where, as a result of circumstances, this is not possible in any week, a maximum of five such days (not to include a Sunday) may be accumulated. Any such days in lieu not taken under this clause shall lapse and shall not be the subject of compensation.

#### **10.26 Rostered day off**

- (1) Each member of clergy must nominate to the Parish Council his or her chosen rostered day off and the Parish Council must ensure as much as possible that the member of clergy is not approached on Parish business on that day.
- (2) Where a public holiday falls on the rostered day off of a member of clergy, where practicable, another day may be taken as well as the public holiday within the two following weeks.

#### **10.27 Payment of stipend during leave**

A member of clergy must be paid the ordinary stipend, benefits, and allowances to which he or she may be entitled for any period of annual leave.

#### **10.28 Leave entitlements upon death of clergy**

If a member of clergy dies and there is outstanding leave due to the member of clergy as at the date of death, his or her legal representative must be paid a sum equal to the ordinary stipend, benefits, and allowances for such member of clergy for the period of such leave entitlement.

#### **10.29 Parish arrangements during leave**

- (1) It is the responsibility of the Parish Priest and Parish Council jointly to make all necessary provision for ministry during the period of any leave.
- (2) In the case of short-term leave, the Parish Priest must make appropriate arrangements for urgent unforeseen matters to be dealt with should they arise in his or her absence.

#### **10.30 Appointment of locums**

- (1) If the Parish Priest considers that a locum needs to be engaged, he or she must first discuss this need and any prospective names with the Bishop prior to approaching any prospective locum.
- (2) The details of the proposed arrangement with the locum must then be the subject of consultation between the Churchwardens and the Parish Priest.
- (3) The Bishop must be advised of the proposed arrangements and if he approves may grant permission for the proposed locum to officiate in the relevant Parish

#### **10.31 Unforeseen absences**

- (1) Should unforeseen circumstances occur in which the Parish Priest is absent from the Parish through leave, illness or otherwise, it is the duty of the Parish Council and the churchwardens of the principal church in the Parish to ensure that ministry in the Parish continues until the Parish Priest returns.

- (2) The churchwardens in the absence of the Parish Priest have responsibility for the business matters of the Parish and must arrange with clergy of the Diocese, particularly those in neighbouring Parishes, to deal with matters which require to be dealt with by a member of clergy.
- (3) All arrangements made by the churchwardens under this section must be notified to the Regional Archdeacon as soon as practicable. In such circumstances the Regional Archdeacon is the Parish Priest for the purposes of any Ordinance.

### **10.32 Unauthorised leave**

If any Parish Priest is absent from the Parish for a period exceeding 28 consecutive days without leave of absence having been first obtained from the Bishop or in accordance with this Ordinance, the Bishop may declare the Parish to be vacant and take steps to fill the vacancy in accordance with this Ordinance.

### **10.33 Long service leave**

Additional leave may be taken in accordance with the Long Service Leave Canon 1992-2001 of General Synod.

### **10.34 Leave outside the provisions of this Ordinance**

- (1) Leave may be taken outside the provisions of this Ordinance only with the written permission of the Bishop. This provision shall not, however, apply to an absence of a member of clergy as a result of illness or for urgent compassionate reasons.
- (2) The Parish Council may, after first obtaining the permission of the Bishop, vary the provisions of this Chapter with respect to leave after consultation with the Parish Priest including, in remote areas, provision for days off to be accumulated.

### **10.35 Movement of clergy and entitlements**

- (1) The following shall apply when a member of clergy moves from one Parish (the former Parish) to another (the new Parish):
  - (a) all stipend, benefits, and allowances due to the member of clergy are the responsibility of the former Parish until the date the resignation takes effect;
  - (b) annual or other leave due from the former Parish should normally be taken before commencing duties in the new Parish;
  - (c) if Annual or other leave is due but not taken and:
    - (i) the member of clergy is moving within the Diocese, the Treasurer of the former Parish must send to the Diocesan Registry or the treasurer of the new Parish as the case may be, an amount to represent the stipend, benefits, and allowances due in respect of the leave due but not taken; or
    - (ii) the member of clergy is moving outside the Diocese, the sum should be paid to that member before he or she leaves the former Parish.



- (2) At the first meeting of each Parish Appointment Board, the Parish is to provide details regarding any leave due but not taken by the previous Parish Priest and indicate whether or not the stipend, benefits and allowances due to that Priest in respect of any untaken leave have been paid.

#### **10.36 Requirement for Parish Council to abide by this Chapter**

The Parish Council must ensure that the Parish Priest abides by the requirements of this Chapter as to the taking of leave and days off duty.

## **PART 4 – RETIREMENT OF CLERGY**

### **10.37 Retirement date**

- (1) The Retirement Date for all clergy, whether stipendiary or non-stipendiary, is the 15th day of January which coincides with or next follows his or her 68th birthday (“Retirement Date”).
- (2) The Bishop must retire in accordance with the provisions of the *Bishop’s Election Ordinance* of this Diocese.
- (3) All clergy who hold the Bishop’s licence within the Diocese must, subject to the provisions of this Part, retire on or before his or her Retirement Date.

### **10.38 Procedure for revocation of the licence**

- (1) If not already retired, three months prior to the Retirement Date of each member of clergy, the Registrar must notify that person of their Retirement Date.
- (2) Not later than one month before their Retirement Date the member of clergy must:
  - (a) advise the Bishop of his or her willingness to surrender his or her licence on his or her Retirement Date or some earlier date; or
  - (b) show cause why his or her licence should not be revoked.
- (3) Unless cause is shown to the contrary, the Bishop must revoke the licence of each member of clergy on his or her Retirement Date.
- (4) If the Bishop considers the member of clergy has shown cause why his or her licence should not be revoked, the Retirement Date for that person will be advanced by up to one year.
- (5) On the request of an incumbent, and with the approval of the Parish Council in the Parish in which they serve, the Bishop may give permission for the member of clergy to serve for one additional year past the Retirement Date. Similarly, on the request of a parish council, and so long as the incumbent is willing, the Bishop may grant an extension of one additional year.
- (6) Section 10.37 applies to a Retirement Date extended in accordance with this section.

### **10.39 Licensing of clergy over the retirement age**

Notwithstanding the provisions of this Part, but subject to section 10.37 a member of clergy over the age of 68 years may be licensed to any position in the Diocese that the Bishop may determine (including locum tenens of a Parish or Special Ministry) but may not be licensed as a Parish Priest.

### **10.40 Long service leave upon retirement**

Upon a member of clergy terminating his or her qualifying service as a member of clergy within the meaning of the *Long Service Leave Canon 1992* of General Synod and continuing in stipendiary ministry, then the Parish or the Diocese as the case may be must pay to the member of clergy the amount that would have been paid on his or her behalf to the Long Service Leave Fund to the date of his or her Retirement.

# **CHAPTER 11 – LAY MINISTRY**

## **PART 1 – GENERAL**

### **11.1 Adoption of Canon**

The Authorised Lay Ministry Canon 1992 of the General Synod reprinted in Schedule 2 is adopted by this Diocese.

### **11.2 Licensed Lay Ministers**

The Bishop may appoint a person to be a Licensed Lay Minister within a Parish, a Special Ministry, a Region, or a District.

### **11.3 Functions of licensed lay ministers**

The function of a Licensed Lay Minister is to exercise a ministry of service and encouragement and specifically is to work alongside the Parish Priest of the Parish or Special Ministry in that priest's ministry of Word, Sacrament, Pastoral Care and Pastoral Oversight.

### **11.4 Qualification of licensed lay ministers**

- (1) A Licensed Lay Minister must:
  - (a) show evidence of Christian maturity; and
  - (b) be a communicant member of the Anglican Church; (c) have demonstrated leadership within the Church.
- (2) If a Licensed Lay Minister is to hold a licence to Preach, he or she must, in addition to the requirements of subsection (1), have completed study in theology and scripture which have been approved by the Bishop.
- (3) Age shall not of itself be a determinant in the consideration of a person as a Licensed Lay Minister.

### **11.5 Renewal of licence**

The renewal of any Lay Minister's Licence upon expiry of its term is subject to written review by the Parish Priest to the Bishop, with the general form of that review to be set out in the Bishop's Regulations concerning Licensed Lay Ministry.

### **11.6 Effect of appointment of a Parish Priest**

Following the appointment of a Parish Priest to a Parish or Special Ministry, that Parish Priest shall, within nine months of the appointment taking effect, make written recommendation to the Bishop concerning the continuation or termination of every relevant Lay Ministry Licence, with any recommendation continuation being only for the remaining period of that licence up to the date of its scheduled expiry.

## **PART 2 – APPOINTMENT OF LICENCED LAY MINISTERS TO A PARISH**

### **11.7 Nomination of a person as a Licenced Lay Minister of a Parish**

- (1) The Parish Priest shall consult with the Bishop prior to nominating a person proposed to be appointed as a Licensed Lay Minister.
- (2) The Parish Priest must then nominate to Parish Council the name of a person proposed to be appointed as a Licensed Lay Minister and the nomination must be approved by a simple majority of the Council.
- (3) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sundays at all services within the Parish.

### **11.8 Objections to the nomination of a person as a Licenced Lay Minister**

- (1) All persons who object to the nomination of the person as a Licensed Lay Minister within the Parish must state their objection in writing to the Parish Priest, the Ministry Development Officer, or the Bishop within 14 days of the last of the Sundays referred to in subsection 11.7(3).
- (2) The Ministry Development Officer must forward a copy of any objections received to the Bishop and, unless the Bishop directs otherwise, to the Parish Priest for presentation to Parish Council.
- (3) The Parish Priest must forward a copy of any objections received to the Bishop and, unless the Bishop directs otherwise, make a copy of those objections available to the Parish Council.

### **11.9 Process following objections**

- (1) After compliance with the terms of sections 11.7 and 11.8, the nomination must then be proposed again to Parish Council, together with any objections received.
- (2) If the nomination is accepted by at least three quarters of the Parish Council, the Parish Priest must forward the nomination to the Bishop together with any objections received.

## **PART 3 – APPOINTMENT OF LAY MINISTERS TO SPECIAL MINISTRIES**

### **11.10 Nomination of a person as a Licenced Lay Minister of a Special Ministry**

- (1) The Parish Priest of a Special Ministry may propose the name of a person to be appointed as a Licensed Lay Minister to the Special Ministry to the Parish Priest of the Parish in which the person ordinarily worships (the “home Parish”).
- (2) The Parish Priests of the Parish and the Special Ministry shall consult with the Bishop and the Regional Archdeacon prior to nominating a person proposed to be appointed as a Licensed Lay Minister to a Special Ministry.

- (3) The Parish Priest must nominate to the Parish Council of the home Parish the name of the person to be appointed as a Licensed Lay Minister to the Special Ministry and the nomination must be approved by a simple majority of the Council.
- (4) In proposing the nomination to the Parish Council, the distinct ministry to which the person is proposed to be licensed must be outlined to the Council.
- (5) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sundays at all services within the home Parish.
- (6) The announcement in the home Parish on each Sunday must specify the distinct ministry to which it is proposed the person will be licensed.

#### **11.11 Objections to the nomination of a person as a Licenced Lay Minister**

- (1) All persons who object to the nomination of the person as a Licensed Lay Minister to the Special Ministry must state their objection in writing to the Parish Priest, the Ministry Development Officer, or the Bishop within 14 days of the last of the Sundays referred to in subsection 11.10(3).
- (2) The Ministry Development Officer must forward a copy of any objections received to the Bishop and the Parish Priest of the Special Ministry and, unless the Bishop directs otherwise, to the Parish Priest for presentation to Parish Council of the home Parish.
- (3) The Parish Priest of the home Parish must forward a copy of any objections received to the Bishop and the Parish Priest of the Special Ministry and, unless the Bishop directs otherwise, make a copy of those objections available to the Parish Council of the home Parish.

#### **11.12 Process following objections**

- (1) After compliance with the terms of sections 11.11 and 11.12, the nomination must then be proposed again to Parish Council of the home Parish together with any objections received.
- (2) If the nomination is accepted by at least three quarters of the Parish Council, the Parish Priest must forward the nomination to the Bishop together with any objections received.

### **PART 4 – APPOINTMENT OF LAY MINISTERS TO REGIONAL MINISTRIES**

#### **11.13 Nomination of a person as a Licenced Lay Minister of a Regional Ministry**

- (1) The Parish Priests of a region may, after unanimous agreement between them and consultation with the Regional Archdeacon, propose the name of a person to be appointed as a Licensed Lay Minister to a region to the Parish Priest of the Parish in which the person ordinarily worships (the “home Parish”).
- (2) The Parish Priest must nominate to the Parish Council of the home Parish the name of the person to be appointed as a Licensed Lay Minister to the Region and the nomination must be approved by a simple majority of the Council.

- (3) In proposing the nomination to the Parish Council, the distinct and regional nature of the ministry to which the person is proposed to be licensed must be outlined to the Council.
- (4) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sundays at all services within each Parish in the region.
- (5) The announcement in each Parish on each Sunday must specify the distinct and regional nature of the ministry to which it is proposed the person will be licensed.

#### **11.14 Objections to the nomination of a person as a Licenced Lay Minister**

- (1) All persons who object to the nomination of the person as a Licensed Lay Minister to a Region or District must state their objection in writing to their Parish Priest, the Ministry Development Officer, the Regional Archdeacon, or the Bishop within 14 days of the last of the Sundays referred to in subsection (2).
- (2) The Ministry Development Officer and/or the Regional Archdeacon must forward a copy of any objections received to the Bishop and to the Regional Archdeacon.
- (3) The Parish Priest of a Parish must forward a copy of any objections received to the Bishop and the Regional Archdeacon.

#### **11.15 Process following objections**

- (1) After compliance with the terms of sections 11.13 and 11.14, the nomination must then be proposed to the District Ministry Council of the region in which the proposed Lay Ministry will be exercised.
- (2) If the nomination is accepted by at least three quarters of the District Ministry Council, the Regional Archdeacon must forward the nomination to the Bishop together with any objections received.

#### **11.16 Ministries encompassing more than one District**

If the area in which the Licensed Lay Minister will exercise their ministry encompasses more than one District, or is within more than one Region, references in sections 11.13-11.15 should be read as referring to each District Ministry Council or each Regional Archdeacon, as the case may be.

#### **11.17 Consultation with Ministry Development Officer**

Before approving any nomination of a person as a Licensed Lay Minister, the Bishop must consult with the Ministry Development Officer as to the suitability of the person nominated.

## **PART 5 – Protocols, Duties and Oversight**

#### **11.18 Compliance with Diocesan Protocols**

- (1) All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, attend an interview with the Ministry Development Officer.

- (2) All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, comply with all protocols and Ordinances of the Diocese together with the conditions of any relevant legislation as to sexual abuse and misconduct and child sexual abuse.
- (3) All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, consent to and sign all documents necessary to allow the Diocese to conduct a police check of their criminal antecedents.

### **11.19 Application of Clergy Code of Professional Conduct**

All Licensed Lay Ministers are bound by the terms of the Clergy Code of Professional Conduct, in force from time to time in the Diocese.

### **11.20 Duties of Licensed Lay Ministers**

A Licensed Lay Minister may perform, according to his or her spiritual gifts, some or all of the following ministries:

- (a) under the oversight of the Parish Priest, have pastoral oversight of a branch church within the Parish or Region;
- (b) lead worship including Morning and Evening Prayer and Extended Holy Communion, using the prescribed forms, but always excluding the absolution, blessing and prayer of consecration;
- (c) baptise only in emergency or conditions of extremity subject to the approval of the Parish Priest or the Regional Archdeacon;
- (d) assist with the distribution of Holy Communion;
- (e) subject to the approval of the Parish Priest, or in his or her absence the Regional Archdeacon, conduct funerals;
- (f) with the permission of the Bishop, as expressed in the terms of the Licence, conduct extended Holy Communion;
- (g) conduct pastoral visits for and on behalf of the Church, including hospital visits, visits to the sick, elderly, and bereaved;
- (h) prepare or assist with the preparation of parents and candidates for baptism, admission to communion and confirmation;
- (i) with the permission of the Bishop, as expressed in the terms of the Licence, and if appropriately qualified, conduct sessions of marriage preparation for those proposing to be married within the Parish;
- (j) with the permission of the Bishop, as expressed in the terms of the Licence and subject to the provisions of this Ordinance, preach sermons;

- (k) to give pastoral support and encouragement to other leaders within the Parish community;
- (l) to perform any other ministry as shall from time to time be agreed with the Parish Priest and approved by the Bishop; and
- (m) during a vacancy in the incumbency of the Parish, at the request of the Regional Archdeacon, to perform any or all of the above ministries and to take such action in association with the Churchwardens and Parish Council as will ensure continuity of ministry within the Parish.

### **11.21 Oversight of Licensed Lay Ministers**

- (1) In the exercise of their ministry, a Licensed Lay Minister is subject always to the oversight and direction of the Bishop.
- (2) A Licensed Lay Minister is subject also to the oversight and direction of;
  - (a) in the case of a Lay Minister licensed to a Parish, the Parish Priest of that Parish and such other assisting clergy as are licensed to that Parish;
  - (b) in the case of a Lay Minister licensed to a Special Ministry, the Parish Priest of that Special Ministry; and
  - (c) in the case of a Lay Minister licensed to a region, the Regional Archdeacon, unless some other arrangement is approved by the Bishop and expressed in the terms of the Licence.
- (3) A Licensed Lay Minister must meet regularly, and at least once per month, with the Parish Priest exercising supervision over their ministry to discuss the ministry of the Parish, Special Ministry or Region and for mutual support, prayer, and encouragement.

## **PART 6 - OTHER**

### **11.22 Term of appointment and resignation**

- (1) A licence as a Licensed Lay Minister is for a term of three years unless a shorter period is expressed in the terms of the licence.
- (2) A Licensed Lay Minister may resign their licence at any time in writing directed to the Bishop.

### **11.23 Revocation of licence**

- (1) The Bishop may revoke the licence of a person as a Licensed Lay Minister at any time, in writing directed to the Lay Minister.
- (2) The Bishop must notify the Parish Priest exercising supervision over the Licensed Lay Minister of the revocation of the licence of the Lay Minister.



#### **11.24 Suspension of licence**

- (1) The Bishop may suspend the licence of a Licensed Lay Minister in writing directed to the Lay Minister pending an investigation by the Diocesan Professional Standards Committee.
- (2) The Bishop must notify the Parish Priest exercising supervision over the Licensed Lay Minister of the suspension of the licence of the Lay Minister.
- (3) The reinstatement of a licence at the conclusion of an investigation by the Diocesan Professional Standards Committee is at the absolute discretion of the Bishop.

#### **11.25 Commissioning of licensed lay ministers**

- (1) Using a form approved by the Bishop, the Parish of the Priest of the Lay Minister's home Parish must commission the Lay Minister at a normal Sunday Service.
- (2) Where a Licensed Lay Minister will exercise a ministry in a Special Ministry or a Region, the Bishop may approve such further acts of commissioning as he considers appropriate to the particular circumstances.
- (3) Each Licensed Lay Minister must, at the time of their commissioning, be provided with the following documents:
  - (a) their licence, duly executed by the Bishop; and
  - (b) a copy of this Ordinance; and
  - (c) a copy of the Clergy Code of Professional Ethics; and
  - (d) a copy of the Licensed Lay Ministry Regulations.

#### **11.26 Attendance at conferences**

- (1) All Licensed Lay Ministers must attend one annual weekend conference conducted by the Ministry Development Officer and if a Lay Minister does not attend may be asked by the Bishop to show cause why his or her licence should not be revoked.
- (2) All Licensed Lay Ministers whose licence includes an authority to preach, must attend an annual preaching school conducted by the Bishop or the Ministry Development Officer and if a Lay Minister does not attend may be asked by the Bishop to show cause why his or her authority to preach should not be revoked.

#### **11.27 Vestments**

- (1) As a symbol of their particular ministry and office when leading or assisting at worship services, Licensed Lay Ministers may wear an alb or cassock and surplice.
- (2) A Licensed Lay Minister is not required to robe when assisting with the distribution of communion.

### **11.28 Exercise of lay ministry without a licence**

- (1) Nothing in this Ordinance is to be interpreted as excluding members of the Church from exercising their own ministries in the Church for which no licence is required.
- (2) A licence is not required for any ministry not contained within section 11.20 and in particular for the following ministries:
  - (a) reading the scriptures;
  - (b) leading the prayers;
  - (c) distributing the elements of the Eucharist;
  - (d) giving a personal testimony;
  - (e) preaching an occasional sermon (not more than once per year);
  - (f) delivering a eulogy at a funeral service; and
  - (g) acting as thurifer, crucifer, server, or acolyte during a worship service

## **CHAPTER 12 – MISCELLANEOUS**

### **12.1 Notices**

Any notice or document requiring to be served under this Ordinance shall be deemed to be duly served by being delivered personally or sent through the post by registered mail addressed to the person for whom it is intended at his or her usual or last known place of residence.

### **12.2 Validity of proceedings**

- (1) No proceeding at a meeting of churchwardens or Parish Council shall be invalidated or become illegal in consequence of there being any vacancy therein at the time of such proceeding whether arising from failure to elect or appoint the whole number of churchwardens or Parish councillors or because of the invalidity of any election or the presence of any unqualified person or from any other cause whatsoever.
- (2) Any person claiming to hold office in the Diocese shall be deemed to hold that office, notwithstanding any defect in appointment, provided that he or she can produce a certificate from the Bishop within 14 days of any challenge to the right to hold office.

### **12.3 Disputes concerning interpretation**

Any dispute arising concerning the interpretation of this Ordinance shall be referred to the Bishop whose decision shall be final.

### **12.4 Term of office**

A person appointed to any office is, unless this Ordinance otherwise provides, taken to have been appointed for a period of 12 months unless, at the time when the appointment is made, some other period is specified in writing by the person or persons making the appointment.

### **12.5 Financial year**

The financial year for each Parish or Special Ministry and each organisation of the Diocese, shall be from the first day of January to the thirty-first day of December in each year.

### **12.6 Miscellaneous matters concerning the Bishop**

- (1) The Bishop may delegate any function conferred on the Bishop under this Ordinance other than any function which under the law or custom of the Church is only to be exercised by a person in Bishop's orders.
- (2) The Bishop may, should the Bishop consider that the literal compliance with any provision of this Ordinance would not assist the ministry of the Diocese or the Parish, dispense in writing with strict compliance with any provision of this Ordinance.
- (3) The Bishop may from time to time make such regulations as are necessary for the administration of the Diocese in any situation where such power is not committed to Bishop-in-Council, the Property Trust or some other person or body under any Ordinance.

- (4) Whenever by this Ordinance the Bishop is the Parish Priest of a Parish or Special Ministry, no duty shall devolve on the Bishop and the obligation of the Parish Priest shall be delegated to a nominee of the Bishop.
- (5) Wherever any power or authority is given to the Bishop or to Bishop-in-Council under this Ordinance, such power or authority may be delegated to a person, persons or committee, provided always that this section shall not apply to any authority which by law or custom of the Church is to be exercised only by a person in Bishop's orders.

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

*Chair of Committees*

I Certify that this Ordinance was passed by the Synod of the Diocese of Bathurst on \_\_\_\_\_ 2023.

*Secretary*

I give my Assent to this Ordinance.

*The Right Rev'd Mark Calder,  
Bishop of Bathurst*

/ /2023

## **SCHEDULE 1 – PARISH ACCOUNTING AND REPORTING REGULATIONS**

(Refer Sections 7.17 and 7.33)

- 1 It shall be a function of the Treasurer and the Churchwardens of the Parish:
  - A By 31 October of the current financial year to prepare and present a budget to Parish Council (with a copy provided to the Registrar) for review in the form prescribed by Bishop-in Council comprising a statement of all money expected to be received and planned to be expended in the next financial year, which include all bank accounts held by the Parish.
  - B At least two weeks before the annual meeting, to prepare and distribute to all active parish members financial statements of the Parish, which include all bank accounts held by the Parish, using the template prescribed by Bishop-in-Council comprising:
    - (i) a statement of all money received and expended during the previous financial year;
    - (ii) a statement of the assets (excluding lands and buildings) and liabilities of the parish at the close of the financial year; and
    - (iii) unless exempt from the need for an audit, a statement by the auditor (who is a member of a recognised professional accounting body) on whether the statements, in their opinion, are properly drawn up so as to give a true and fair view of the assets, liabilities and money received and expended, comply with any provisions in or regulations made pursuant to the Anglican Diocese of Bathurst Administration Ordinance, and where not so satisfied, the reasons for not being so satisfied.
  - C Within 7 days after the annual meeting, to forward copies of the statements referred to in paragraph B to the Bishop's Registrar.
  - D At a minimum of four (4) parish council meetings and four (4) Sunday services across the financial year, report on the performance of the budget against actual money received and expended, using the template prescribed from time to time by Bishop-in-Council.
- 2 Parishes that agree to grant online access to their cloud-based accounting records, which incorporates automatic feeds from all non-AMIF bank accounts held by the Parish, and electronically stores supporting documentation, may be granted an exemption by Bishop-in-Council from the requirement to engage an auditor.
- 3 The churchwardens may arrange for a person or persons to perform any one or more of the functions referred to above from time to time on their behalf. An arrangement made under this sub-clause does not limit the powers or the delegations of the churchwardens nor does it have the effect of removing from the churchwardens or any of them, their responsibility for the charge and administration of any funds or property of the church.
- 4 The churchwardens must keep the statements referred to paragraphs A and B for at least seven (7) years after the financial year to which the statements relate.

## **SCHEDULE 2 – AUTHORISED LAY MINISTRY CANON 1992**

(Refer Chapter 8)

### **Authorised Lay Ministry Canon 1992**

A canon concerning authorised lay ministry

Canon No. 17, 1992

A canon concerning authorised lay ministry

Whereas ministry is of the essence of the life of the whole body of Christ:

and whereas all baptised persons are called to minister in the Church and in the world:

and whereas certain persons are called to a public and representative lay ministry within and on behalf of this Church:

and whereas it is desirable for the sake of decency and good order within this Church to recognise and regulate certain of those public and representative ministries:

now therefore the General Synod prescribes as follows:

#### **Short Title**

1. This canon may be cited as the Authorised Lay Ministry Canon 1992

#### **Definitions**

2. In this canon, “lay ministry” means a lay ministry referred to in section 3 but does not include any function required by the discipline or doctrine of this Church to be exercised or performed only by a deacon, priest, or bishop.

#### **Authority**

3. (1) A lay person who is a communicant member of this Church may be authorised by the bishop of a diocese to exercise within and for this Church in that diocese one or more of the following lay ministries:
  - (a) the reading and conduct of authorised services of this Church;
  - (b) the preaching of sermons;
  - (c) assistance to the priest in the ministration and distribution of the Holy Communion;
  - (d) any other lay ministry declared by the bishop of the diocese to be an authorised lay ministry for the purposes of this canon.
- (2) An authority under sub-section (1) may be limited by reference to all or any of the following:
  - (a) the nature of the functions authorised to be performed;

- (b) the person or persons at whose request or by whose authority the functions may be performed;
  - (c) the place at which and the period during which the functions may be performed.
- (3) The bishop of a diocese may revoke an authority given under this section.

#### **Diocesan Bishop may prescribe certain rules**

4. Except as otherwise provided by the synod of the diocese, the bishop of a diocese may prescribe:
- (a) the qualifications of persons who may be authorised to exercise a particular lay ministry;
  - (b) the procedure for authorising persons to exercise a particular lay ministry;
  - (c) the form of an authority to exercise a particular lay ministry;
  - (d) the duties and functions which may be performed under an authority to exercise a particular lay ministry;
  - (e) the manner in which the duties and functions of a particular lay ministry are to be performed; and
  - (f) the vesture to be worn by persons performing any particular function in accordance with an authority to exercise a particular lay ministry.

#### **Authority of Bishop**

5. The provisions of this canon shall not operate to restrict any authority of the bishop or synod of a diocese or to preclude any practice in a diocese relating to a particular lay ministry.

#### **Repeal**

6. The Lay Assistants at Holy Communion Canon 1973 ceases to have effect in a diocese that adopts this canon by ordinance of the synod of the diocese.

#### **Coming into force by adoption**

7. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.