

Diocesan Meetings (Temporary Arrangements) Regulations 2021

as at 2 September 2021

The Archbishop in Council makes these Regulations pursuant to sections 9 and 10 of the *Diocesan Meetings (Temporary Arrangements) Act 2021* (Melbourne).

1. Commencement

These regulations come into operation on 2 September 2021.

2. Period of operation

These regulations operate until 1 January 2023.

3. Overarching principles

These regulations are to be followed in accordance with these principles:

- (a) all parishioners are equally entitled to participate in the governance of the parish, and the conduct of meetings and elections must take into account and respect that entitlement;
- (b) the entitlement of parishioners to participate in meetings and elections is not dependent on their access to or willingness to use the internet or related technologies;
- (c) parishioners should be allowed to participate in meetings and elections even though they are unwilling to meet in person because of the risks to their health from social interaction;
- (d) not everyone who is entitled to participate in meetings and elections will be able to do so;

Note: for example, through travel, work commitments, or frailty.

- (e) no-one, including the vicar, the churchwardens and other parish officeholders and staff is to be subject to material additional risk to their health or well-being.

4. Convening and notice of statutory parish meetings

- (1) Subject to this regulation, the parish council of a parish may determine that a statutory parish meeting is to be conducted—
 - (a) only in person;
 - (b) only by videoconference and teleconference; or
 - (c) both in person and by videoconference and teleconference.
- (2) The parish council must not determine that a statutory parish meeting is to be only in person if at the time of the meeting it is not legally permitted for every parishioner to be present in person at the place where the meeting is to be held.

For example, if a parish has 100 parishioners on the voting roll and the law permits a gathering of no more than 50 people, the meeting cannot be only in person because it would be illegal for more than half the parishioners to be present. However, a parish with 48 parishioners could be held only in person, as every parishioner and the vicar could be present.

- (3) In addition to any requirements in the parish rules for meetings and officers operating in a parish, if the parish council determines that a statutory parish meeting is to be conducted partly or wholly by videoconference and teleconference,—
 - (a) the notice of the meeting must be given by email to each parishioner whose email address is held by the parish secretary;
 - (b) the notice of the meeting must be posted on any website of the parish; and
 - (c) each parishioner must be given by email details of how to participate in the meeting by videoconference and teleconference at least 5 days before the meeting.

5. Participating in a statutory parish meeting

- (1) A meeting conducted partly or wholly by videoconference and teleconference will be deemed to be validly conducted if each parishioner present by videoconference and teleconference is able and allowed to participate in the proceedings of the meeting.
- (2) Anyone chairing or organizing the meeting must take all reasonable steps to ensure that parishioners participating by videoconference and teleconference can indicate a wish to move or second motions, to speak and to vote.
- (3) In the case of a motion that is not part of the business of the meeting by virtue of rule 3.4 of the parish's rules (other than paragraph (l) of that rule), the parish council may before the meeting, and the parish meeting may during the meeting, decide that the debate and voting on the motion is to take place by one or more of the following (in any combination):
 - (a) debate and decision in the meeting;
 - (b) debate both in the meeting and by circulation of written arguments to parishioners;
 - (c) debate only by circulation of written arguments to parishioners;
 - (d) the development and circulation of different forms of the motion incorporating proposed amendments following discussion between the mover and seconder of the motion and those wishing to propose amendments;
 - (e) voting by mail;
 - (f) voting by email;
 - (g) voting by other internet systems;
 - (h) voting by text message.

Note: this paragraph relates to motions arising under "other business". Such a motion may be complex or controversial, or may be made so through an amendment proposed to an initially straightforward motion. It allows the parish council ahead of a meeting, or the meeting itself, to have the motion considered, or further considered, and resolved in one of the ways listed.

- (4) The vicar, after consulting with the churchwardens, may appoint one or more persons, whether parishioners or other persons associated with the parish, to assist in relation to any of the processes permitted by these regulations.
- (5) A person attending a parish statutory meeting by videoconference or teleconference is to be considered to be present at the meeting.

6. Papers and reports for statutory parish meeting

Where a statutory parish meeting is conducted partly or wholly by videoconference and teleconference, every paper and report required to be tabled or by motion received by that meeting must at least 5 days before the meeting—

- (a) be sent by email to every parishioner whose email address is held by the parish secretary; and
- (b) be available in hard copy to any parishioner who has requested them.

7. Elections at the time of a statutory parish meeting

- (1) This regulation applies where—
 - (a) it is not permitted by the laws of the Commonwealth of Australia or the State of Victoria to have a statutory parish meeting with all the parishioners physically present who wish to be physically present;
 - (b) an election is or may be required; and
 - (c) it is determined by—
 - (i) the parish council at the time of fixing the date for the meeting; or
 - (ii) by the meeting itself—
that the election is to be by secret ballot.
- (2) Where this regulation applies by virtue of a determination by the parish council, the parish must also determine that any election is to be conducted—
 - (a) wholly by postal ballot; or
 - (b) by a ballot that is partly postal and partly electronic.
- (3) When there is a determination under sub-regulation (2), notice of the meeting must include details of—
 - (a) the date by which nominations are to be received by the vicar;
 - (b) how nominations can be made, seconded and agreed to by the candidate;
 - (c) the means by which nominations may be given to the vicar, including—
 - (i) if in person, at what places and times the vicar will be personally present;
 - (ii) if by post, to what postal address; and
 - (iii) if electronically, to what email address; and
 - (d) the dates on which voting will open and close.

Note: the Electronic Transactions Act 2000 (Vic) permits information to be conveyed by electronic means.

- (4) Where this regulation applies by virtue of a determination by the statutory parish meeting itself, the meeting must determine the dates on which voting will open and close.

Note: The other matters referred to in sub-section (3) will already have been addressed by the usual procedures under the parish's rules.

- (5) A postal or electronic ballot must adhere to the overarching principles and be conducted so far as practicable—

- (a) by a returning officer who is not a parishioner;
- (b) in a manner that—
 - (i) allows each parishioner a secret ballot;
 - (ii) does not allow a parishioner to vote more than once; and
 - (iii) keeps an auditable record of each vote.