

PARISH GOVERNANCE ACT 2013

PART 1 – PRELIMINARY	1
1 Short title	1
2 Commencement	1
3 Definitions	1
4 Delegation	5
PART 2 – THE PARISH	7
5 The Anglican understanding of a parish	7
PART 3 – ESTABLISHING A PARISH AND DEFINING ITS BOUNDARIES	8
6 Declaration of parishes	8
7 Parish boundaries	8
7A Transitional arrangements	9
8 Places of worship	10
8AA Where a parish and an Authorised Anglican Congregation are or will be substantially the same entity	10
PART 3A — AUTHORISED ANGLICAN CONGREGATIONS	13
8A Initial formation of congregations	13
8B Declaration of Authorised Anglican Congregation	13
8C Periodic review	15
8D Varying and revoking determinations and declarations	15
8E Guidelines	16
8F Application of certain Acts of Synod	16
PART 3B — ANGLICAN MINISTRY PRESENCE	18
8G Formation of an Anglican ministry presence	18
PART 4 — PARISH GOVERNMENT	19
Division 1 – Electoral rolls	19
9 Persons entitled to be on the parish electoral roll	19

10	Forming a parish electoral roll	20
11	Revising the parish electoral roll	21
12	Display and inspection of the electoral roll	22
13	People moving between parishes	23
14	Prescribed forms for the purpose of this Division	23
Division 2 – Parish rules for meetings and officers		23
15	Parish rules for meetings and officers	23
16	Modified parish rules for meetings and officers	24
17	Rules applying to elections	27
18	Parishes with a local worship centre	28
19	Disqualification from holding parish offices	29
20	Declaration by office holders	31
22	Status of decisions	31
Division 3 – Parish nominators		32
22A	Parish nominators	32
22B	Election of parish nominators	33
22C	Reserve lists	34
22D	Appointment of churchwarden as a parish nominator	35
22E	Vacancies in positions of elected parish nominators for parish nominations committee	36
22F	Vacancies in positions of elected parish nominators for appointment continuation review committee	36
22G	Exemption from certain provisions	37
22H	Registrar to be informed of outcomes of elections etc	37
22I	Parish nominators continue until institution of next vicar	37
22J	Interpretation	38
PART 5 — RESPONSIBILITIES IN PARISH GOVERNANCE		39
Division 1 — The churchwardens and parish council		39
23	Churchwardens	39
24	Role of the vicar	40
25	Functions of the parish council	41
Division 2 — Appointments		42
26	Interpretation	42
27	Appointments generally	42
28	Appointment of authorised stipendiary lay ministers	44

29 Other appointments	46
Division 3 — Annual diocesan assessment	48
30 Annual diocesan assessments	48
31 Objection to annual diocesan assessment	49
32 Waiver of annual diocesan assessment	49
Division 4 — Finance	50
33 Parish council and parish budget	50
34 Parish funds	50
35 Application of parish funds	51
36 Other provisions relating to management of parish funds	52
Division 5 —Property held for parish purposes	53
37 Use of property held by a parish for parish purposes	53
38 Property rights of the vicar	54
39 Parish insurance	55
40 Public worship	56
Division 6 — Preparation, audit and independent examination of accounts	57
41 Statements of money raised for parish	57
42 Churchwardens to prepare accounts	57
43 Audit and independent examination	59
44 Qualifications of auditor	60
45 Duties of the auditor	60
46 Qualifications of independent examiner	62
47 Duties of independent examiner	62
48 Access and information	64
49 Meaning of material significance	64
50 Accounts to be dealt with by annual meeting	65
51 Registrar’s request for further information	65
52 Audit by Registrar	65
Division 7 — Registers, records and other documents	66
53 Registers and records	66
54 Inspecting the condition of books and records	67
Division 8 — Periodic parish reviews	67
55 Periodic review	67

PART 6 — PARISH CO-OPERATION	69
Division 1 —Introduction	69
56 Possible co-operative arrangements	69
Division 2—Shared property, ministry or governance	69
57 Co-operative agreement	69
58 Ministry areas	71
59 Licensing of a clerk to more than one parish	72
Division 3—Shared resources	72
60 Arrangements for the sharing of resources	72
PART 7 — SPECIAL CIRCUMSTANCES	75
Division 1—Supported parishes	75
61 Designation as a supported parish	75
Division 2—Diocesan review and Diocesan management	77
62 Diocesan review	77
63 Appointment of Diocesan manager	78
64 Effect of appointment of Diocesan manager	79
65 Powers of Diocesan manager	79
66 Revocation of appointment	81
67 Expenses of Diocesan management	82
68 Liabilities arising from Diocesan management	82
69 Diocesan manager to report to Registrar	83
70 Additional powers of Registrar	83
Division 2A – Irretrievable breakdown in pastoral relationships	84
70A Interpretation	84
70B Archbishop may establish enquiry	85
70C Report before enquiry established	86
70D Constitution of board of enquiry	88
70E Procedure of board of enquiry	88
70F Enquiry by Board of Reference	89
70G Referral to Professional Standards Committee	90
70H Determination by board of enquiry	90
70I Action following report of irretrievable breakdown	91
70J Actions where clergy authorization revoked	94
70K Actions in relation to a parishioner of concern	94

70L Powers under this Division to prevail	95
Division 3—Discontinuing a parish	95
71 The purpose of this Division	95
72 Parishes under consideration	95
73 Protocol in relation to a parish under consideration	97
74 Duties of the parish council	98
75 Statutory parish meeting	99
76 Decision by Archbishop in Council	100
77 Other circumstances for decision by the Archbishop in Council	100
78 Matters the Archbishop in Council must consider	101
79 Boundaries and assets on discontinuation of a parish	102
PART 8 — RESOLUTION OF DISPUTES	104
80 Definition	104
81 Irregularities in parish governance	104
82 Grievances relating to the parish electoral roll and election of Synod representatives	105
83 Parish Disputes Mediation Panel	106
84 Mediation	107
85 Provisions in support of this Part	107
PART 9 — GENERAL	108
86 Extent of liability of parish officers and others	108
87 Regulations	108
SCHEDULE 1 — PARISH RULES FOR MEETINGS AND OFFICERS	110
SCHEDULE 2—ADDITIONAL PARISH RULES FOR MEETINGS AND OFFICERS FOR A SECTION 18 PARISH	130
SCHEDULE 3—NOTES TO ACCOMPANY ACCOUNTS	135
PARISH GOVERNANCE REGULATIONS 2014	1
PART 1 – PRELIMINARY	1
1.1 Title	1
1.2 Authorizing provisions	1

1.3 Commencement	1
1.4 Interpretation	1
PART 2 — FORMS RELATING TO PARISH ROLLS AND MOVEMENT BETWEEN PARISHES	1
2.1 Prescribed forms in relation to parish rolls	1
PART 3 — FORM OF DECLARATION BY PARISH OFFICE HOLDERS	2
3.1 Declaration by parish office holders	2
PART 4 —DIOCESAN ASSESSMENT	2
4.1 Amount of diocesan assessment	2
4.2 How total net assessable income calculated	2
4.3 Meaning of total assessable income	2
4.4 Meaning of permitted allowances	5
4.5 Annual statement of income and expenditure	7
4.6 Annual assessment where annual statement not provided by due date	7
PART 5 —KEEPING AND INVESTING FUNDS	8
5.1 Institutions for keeping parish funds	8
5.1A Parishes to use central payroll facility	8
5.2 Investing surplus parish funds	9
5.3 Surplus funds do not include invested funds	9
PART 6 — AUDIT AND INDEPENDENT EXAMINATION	9
6.1 Form of reporting of irregularities by auditors	9
6.2 Form of reporting of irregularities by examiners	9
6.2A Parishes required to appoint an auditor	9
6.3 Independent examiner to examine accounting thresholds	10
6.4 Independent examiner to understand the parish	10
6.5 Independent examiner to document the examination	10
6.6 Independent examiner to compare accounting records	10
6.7 Independent examiner to review accounting records	10
6.8 Independent examiner to use analytical procedures	10
6.9 Basis for independent examiner’s findings regarding the accounts	11
6.10 Independent examiner to review accounting policies, estimates and judgments	11

6.11 Independent examiner to enquire as to governance and disclosures	11
6.12 Independent examiner and the annual report of the churchwardens	11
6.13 Independent examiner's report	12
PART 7 — PARISH REGISTERS	12
7.1 Form of parish registers	12
7.2 Form of register of baptisms	12
7.3 Form of register of children admitted to communion	13
7.3 Form of register of confirmations and receptions	13
7.4 Form of register of marriages	14
7.5 Form of registers of funerals and burials etc	14
7.6 Form of register of public worship	14
PART 8 — PERIODIC PARISH REVIEWS	15
8.1 Data required in periodic parish reviews	15
SCHEDULE 1 — FORMS RELATING TO PARISH ELECTORAL ROLL	17
SCHEDULE 2 — FORM OF DECLARATION BY PARISH OFFICERS	21
SCHEDULE 3 — FORMS TO BE USED IN REPORTING MATTERS OF MATERIAL SIGNIFICANCE	22

Parish Governance Act 2013

AN ACT

to provide for the establishment, governance and Diocesan oversight
of parishes and for other purposes

BE IT ENACTED by the Archbishop, the Clergy and the Laity of
the Anglican Church of Australia within the Diocese of Melbourne
in Victoria duly met in Synod according to law as follows:

Part 1 – Preliminary

1 Short title

This Act may be cited as the **Parish Governance Act 2013**.

2 Commencement

This Act comes into operation on 1 July 2014.

s 3 am by Acts no. 3/2015, 4/2015, 1/2016, 5/2016, 5/2018, 2/2021, 1/2022, 9/2022,
10/2022

3 Definitions

(1) In this Act, unless the context otherwise requires—

accounting records includes—

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes, vouchers and other documents of prime entry;
- (b) documents and records that record those entries;
- (c) documents, records and communications showing the authorization or ratification of

expenditure; and

- (d) any working papers and other documents that are necessary to explain the methods and calculations by which accounts are made up;

accounts means a combination of—

- (a) an account recording the total receipts and payments; and

- (b) a statement of assets and liabilities—

together with any statements, reports and notes, other than the reports of an auditor or independent examiner, that are attached to and intended to be read with the account, statement or balance sheet, as the case may be;

Anglican Church means the Anglican Church of Australia;

annual diocesan assessment means the amount payable under section 30;

appointment continuation review committee has the same meaning as it has in the **Clergy Act 2022**;

bankrupt includes a person who applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit;

diocesan authority means—

- (a) the Archbishop, whether or not acting with the advice and consent of the Council of the Diocese;
- (b) an assistant bishop;
- (c) * * *
- (d) an Archdeacon;

(e) the Registrar.

Diocese means the Diocese of Melbourne;

Director of Professional Standards has the same meaning as Director in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**;

disqualified person means a person disqualified under section 19;

financial year means the year ending at midnight on 30 September;

local electoral roll means a roll showing only the parishioners on a parish electoral roll associated with a particular worship centre in the parish;

mental incapacity means a person who has a mental illness within the meaning of section 4 of the **Mental Health Act 2014 (Vic)**;

neighbouring parish means a parish that it is contiguous or nearby;

parish council in relation to a parish, means the parish council established by the parish rules for meetings and officers;

parish electoral roll means the roll established under section 9;

parish officer includes a person in a parish (other than the vicar) who is a churchwarden, member of the parish council, parish nominator or member of a vestry;

parish rules for meetings and officers means the rules referred to in Division 2 of Part 4;

parish secretary means the parish secretary appointed or elected under the parish's parish rules for meetings and officers;

statutory parish meeting means any annual meeting, special meeting, parish electoral meeting, special parish electoral meeting, or meeting of parishioners on a local electoral roll provided for in this Act, the regulations or a parish's parish rules for meetings and officers;

vestry in relation to a worship centre means the vestry established by the parish's parish rules for meetings and officers;

vicar means—

- (a) the clerk licensed as vicar or as the intentional interim vicar;
- (b) a clerk appointed temporarily by the Archbishop to perform the ecclesiastical duties of the vicar;
- (c) if there is no clerk licensed as the vicar or as the intentional interim vicar, or if such a person is absent from the parish on leave, the Archdeacon;

worship centre means a place within the parish used regularly by the parish for public worship, and includes a principal worship centre and a local worship centre.

subsection (2) rep Act no. 9/2022

* * * * *

- (3) For the purpose of this Act, principal worship centre means the principal place of worship referred to in section 8, and local worship centre means a worship centre within the parish other than the principal worship centre or a worship centre that is with the prior approval of the Archbishop in Council under section 8(4) associated with the parish.

- (4) Where in this Act it is provided that a parish must do an act, it is the churchwardens who must seek in good faith to ensure that the parish does that act.
- (5) In this Act, other than in sections 19(3), 21(7), 27(4), 28, 29, 37(3), 37(4), 38(5), 40, 54(1), 55, 61(3), 62(1), and 72(1), a reference to the Archbishop in relation to any matter pertaining to the temporal affairs of the church means the Archbishop in Council.
- (6) In this Act other than section 4, a reference to a diocesan authority includes a reference to a person acting as the delegate or agent of a diocesan authority.

4 Delegation

- (1) A diocesan authority other than the Archbishop in Council may delegate to any person or body any of its powers under this Act, other than this power of delegation.
- (2) The Archbishop in Council may delegate to any person or body (including to the Archbishop) any of its powers under this Act, other than the power to make regulations, including the power of delegation.
- (3) A delegation may be withdrawn in whole or in part, varied, or given again to the same or some other person.
- (4) A delegation given to a person may be given to them by name or by reference to an office or position.
- (5) Where a delegation has been given to a person by reference to an office or position, the delegated power may be exercised by anyone for the time being occupying or acting in that office or position.
- (6) A delegation, variation to a delegation or withdrawal of a

delegation must be in writing and has effect from the time at which it is given to the Registry for registration.

Part 2 – The parish

5 The Anglican understanding of a parish

The parish is the geographical unit for organizing the mission of God throughout the Anglican Church within the Diocese of Melbourne. The boundaries of each parish are those approved by the Archbishop in Council. The Anglican Church within the Diocese is constituted of clergy and lay people committed to building up the body of Christ under the leadership of the Archbishop.

Part 3 – Establishing a parish and defining its boundaries

6 Declaration of parishes

The Archbishop in Council may declare that there is a parish in relation to a geographical area within the Diocese.

S 7 am Act no 5/2023

7 Parish boundaries

- (1) The Archbishop in Council is responsible for—
 - (a) declaring a part of the Diocese not included in a parish to be a parish;
 - (b) dividing a parish into separate parishes;
 - (c) creating a parish from more than one existing parish;
 - (d) altering the boundaries of parishes under subsection (3); or
 - (e) merging parishes or discontinuing a parish under Division 3 of Part 7.
- (1A) In exercising its powers under subsection (1) the Archbishop in Council must by words of description with or without maps or plans declare in writing the boundaries of every parish affected.
- (2) Before the Archbishop in Council can divide a parish into separate parishes or create a parish from more than one existing parish, it must have before it a written report as to the views regarding the proposal expressed by the vicar, the parish officers and a statutory parish meeting of the parish or each of the parishes directly affected, including their views in relation to the proposed new boundaries.
- (3) Where it is proposed that the boundaries of two or more

parishes be altered such that no more than 25 per cent of the area of any parish will be added or removed, and the vicar and parish officers of all affected parishes agree in writing to the proposal, the Archbishop in Council may alter the boundaries of those parishes in the manner proposed.

- (4) Every declaration made under sub-section (1) must be preserved in the Registry of the Diocese.
- (5) The Registrar must if so requested provide the description of a parish referred to in sub-section (1).
- (6) A declaration under sub-section (1) is conclusive evidence of the boundaries of a parish.

s 7A ins Act No. 5/2023

7A Transitional arrangements

- (1) When it is necessary to do so as the result of its exercise of a power in section 7, 8AA or 79, the Archbishop in Council may give directions to enable and facilitate any transition to occur.
- (2) The directions under subsection (1) may relate to—
 - (a) land and buildings and responsibility for them;
 - (b) parish councils, vestries and office holders;
 - (c) electoral and other rolls;
 - (d) the custody and maintenance of records;
 - (e) finance and compliance with any laws relating to the functioning of a parish;
 - (f) the Parish Rules or modified Parish Rules that are to operate;
 - (g) deeming a renamed parish or Authorised Anglican Congregation to be the successor of a parish or Authorised Anglican Congregation for certain

purposes, including for the purposes of the legislation of the Diocese; and

- (h) any other matter that the Archbishop in Council considers that it is necessary or convenient to be the subject of a direction.

8 Places of worship

- (1) A parish must have a principal place of worship.
- (2) If a parish has more than one worship centre, the principal worship centre is the worship centre so designated by the Archbishop in Council.
- (3) Unless otherwise authorized by the Archbishop in Council, the principal place of worship must be a building of which the whole or some part is set apart and consecrated or intended to be set apart and consecrated exclusively for the worship of Almighty God according to the doctrine, rites and usages of the Anglican Church.
- (4) The Archbishop in Council may permit a parish to conduct public worship in a worship centre outside the parish's boundaries.
- (5) Before giving its permission under sub-section (4), the Archbishop in Council must be informed of the views of the parish in which the worship centre is placed, and of the relevant Archdeacon.

s 8AA ins Act No. 5/2023

8AA Where a parish and an Authorised Anglican Congregation are or will be substantially the same entity

- (1) This section applies when the Archbishop in Council is satisfied that a parish and an Authorised Anglican Congregation—
 - (a) are operating substantially as a single entity for the

- purposes of mission and ministry; or
- (b) will following the exercise of a power under section 7 or 79 be operating substantially as a single entity for the purposes of mission and ministry.
- (2) In determining whether this section applies, the Archbishop in Council may take into account—
- (a) whether any clerks licensed to the parish and the Authorised Anglican Congregation are or will be the same clerks or different clerks;
- (b) whether the parish and the Authorised Anglican Congregation each have or will have churchwardens and if so whether they have different persons as those churchwardens;
- (c) whether the parish and the Authorised Anglican Congregation have or will have separate audited accounts;
- (d) whether the parish and the Authorised Anglican Congregation have or will have separate statutory parish meetings;
- (e) whether the parish and the Authorised Anglican Congregation have or will have separate principal places of worship and separate worship centres;
- (f) whether in the principal worship centre public worship is or will be conducted at different times for the parish and for the Authorised Anglican Congregation;
- (g) the views of the vicar or priest in charge and of the churchwardens of each of the parish and the Authorised Anglican Congregation;
- (h) the views of any other person associated with either the parish or the Authorised Anglican Congregation that appear to the Assistant Bishop or the

- Archdeacon to be relevant to the full understanding of the local circumstances;
- (i) whether there is a co-operative agreement to which either or both the parish and the Authorised Anglican Congregation are parties; and
 - (j) the views of the assistant bishop of each of the parish and the Authorised Anglican Congregation.
- (3) Where this section applies, the Archbishop in Council must determine that there is in that place either—
- (a) a parish and not an Authorised Anglican Congregation; or
 - (b) an Authorised Anglican Congregation and not a parish—
- and how that parish or Authorised Anglican Congregation is to be named and described for the purposes of Diocesan legislation and administration.
- (4) Where the Archbishop in Council determines that there is in that place an Authorised Anglican Congregation and not a parish it may further declare that the churchwardens of the Authorised Anglican Congregation are to have the same rights and responsibilities in relation to any worship centres, other buildings, vicarages and any other lands as if they were worship centres, buildings, vicarages and lands of a parish and the churchwardens were churchwardens of that parish.
- (5) The legislation of this Synod in force in this Diocese applies to a parish or Authorised Anglican Congregation to which this section applies.

Part 3A ins by No. 3/2015

Part 3A — Authorised Anglican Congregations

8A Initial formation of congregations

- (1) The Archbishop in Council may permit those wishing to participate in the initial formation of a congregation that may later be declared an Authorised Anglican Congregation under section 8B to do so—
 - (a) on the recommendation of the Archbishop; and
 - (b) where satisfied that there has been consultation with the parish or parishes immediately affected and with the relevant Archdeacon.
- (2) The Archbishop may license a clerk to a congregation formed under this section.

s 8B(2) am Act no. 1/2022

8B Declaration of Authorised Anglican Congregation

- (1) The Archbishop in Council may declare a congregation that meets each of the criteria in sub-section (2) to be an Authorised Anglican Congregation.
- (2) The criteria are:
 - (a) there is a congregation (not being the congregation of a parish) the members of which meet regularly for public worship as an Anglican congregation;
 - (b) the congregation has a vision and mission that define its ministry goals;
 - (c) the place where the congregation conducts public worship is a suitable place set aside for the regular use of the congregation, whether under a lease, licence or other arrangement;
 - (d) the vicar and council of each parish wholly or partly within the area proposed to be determined

- under sub-section (3)(a) have been fully consulted regarding the proposed declaration of the congregation as an Authorised Anglican Congregation;
- (e) a name acceptable to the congregation has been proposed for the purposes of sub-section (3)(b);
 - (f) in all the circumstances it is appropriate to recognize the congregation as an Authorised Anglican Congregation; and
 - (g) the Archbishop has expressed a willingness to license a priest in charge to that congregation (who may be a priest already ministering to or licensed to the congregation).
- (3) At the time of making a declaration under sub-section (1) the Archbishop in Council must determine—
- (a) a geographic area or areas within which the congregation is permitted to meet for the purposes of worship and to maintain offices and similar premises;
 - (b) a name to be used by the congregation in its official correspondence and in its publicity and advertising;
 - (c) the archdeaconry and Region of which the congregation is part;
 - (d) if, and if so on what terms and conditions, the diocesan assessment is to be waived, in whole or in part, under section 32.
- (4) The Archbishop in Council may from time to time as necessary vary a determination made under sub-section (3).
- (5) An Authorised Anglican Congregation is bound by a determination under sub-section (3).

- (6) The Archbishop in Council may revoke a declaration made under sub-section (1).

8C Periodic review

- (1) The Archbishop in Council must review the operations of an Authorised Anglican Congregation against the criteria in section 8B(2) and any other criteria in the guidelines adopted under section 8D at a time no more than five years from the date of making a declaration under section 8B(1), and thereafter at an interval of not more than five years since the last such review.
- (2) A review under sub-section (1) may result in the Archbishop in Council varying a determination under section 8B(3) or revoking a declaration under section 8B(1).

8D Varying and revoking determinations and declarations

- (1) The Archbishop in Council may from time to time as necessary vary a determination made under sub-section (3).
- (2) The Archbishop in Council may revoke a declaration made under sub-section (1).
- (3) Before varying a determination or revoking a declaration under this section, the Archbishop in Council must have regard to—
- (a) any periodic review under section 8C and any recommendations contained in or arising from that review;
 - (b) the views of the priest in charge and council of the Authorised Anglican Congregation in relation to the proposed decision;
 - (c) the matters referred to in sub-section 72(2)

- (excluding paragraph (e)); and
- (d) the guidelines made under section 8E.
- (4) The revocation of a declaration under sub-section (2) may be made in association with a decision in relation to a declaration under section 6 or 7.

8E Guidelines

The Archbishop in Council must make and publish guidelines relating to the administration of this Part.

s 8F(1) am Act No. 5/2023

8F Application of certain Acts of Synod

- (1) This Act except for—
- (a) Parts 2 and 3 (other than sections 7A and 8AA);
- (b) section 18; and
- (c) Division 3 of Part 7 (other than section 71)—
- applies to an Authorised Anglican Congregation as if the Authorised Anglican Congregation were a parish.

s 8F(2) am Acts no. 1/2022, 4/2023

- (2) Despite sub-section (1), in relation to an Authorised Anglican Congregation this Act and any regulations and rules made under it are to be read and interpreted as if in this Act —
- (a) the expression congregation council is substituted for the expression parish council;
- (b) the expression wardens is substituted for the expression churchwardens; and
- (c) the expression vicar means the clerk instituted as priest in charge of the Authorised Anglican Congregation.

s 8F(3) am Acts no. 1/2022, 4/2023

- (3) Division 1 of Part 5 of the **Clergy Act 2022** has effect so far as applicable for the purpose of enabling an Authorised Anglican Congregation to propose a priest as its priest in charge and as if a reference in that Part—
- (a) to a vicar or the appointment of vicar were a reference to a priest in charge or the appointment of a priest in charge; and
 - (b) to a parish were a reference to the Authorised Anglican Congregation.

Part 3B ins No. 1/2017

Part 3B — Anglican ministry presence

8G Formation of an Anglican ministry presence

- (1) The Archbishop in Council may authorize the formation of an Anglican ministry presence in an area of identified strategic importance.
- (2) The Archbishop in Council must make and publish guidelines for the purpose of sub-section (1) and must act in conformity with those guidelines.
- (3) The Archbishop may license a clerk to an Anglican ministry presence formed under this section.

Part 4 — Parish Government

Division 1 – Electoral rolls

9 Persons entitled to be on the parish electoral roll

- (1) There must be a parish electoral roll for each parish.
- (2) A person is not entitled to be upon the roll of more than one parish or Authorised Anglican Congregation, or upon the roll of a parish and an Authorised Anglican Congregation.
- (3) The parish electoral roll is to contain the names and postal addresses of parishioners. Parishioners are lay persons who are of at least eighteen years of age and who—
 - (a) are baptised;
 - (b) regularly and habitually attend public worship at a worship centre in the parish;
 - (c) have signed an application seeking to be included on the roll and declaring that—
 - (i) they are a member of the Anglican Church of Australia or of a church in communion with the Anglican Church of Australia;
 - (ii) they are not a member of any church which is not in communion with the Anglican Church of Australia; and
 - (iii) they are not on the parish electoral roll of any other parish or any Authorised Anglican Congregation in the Diocese other than a roll from which they wish their name to be removed.
- (4) Without limiting other grounds on which a person may

be taken to have regularly and habitually attended public worship in a worship centre in a parish, for the purposes of this section a person who has attended public worship at a worship centre 12 times in the preceding 12 months and three times in the preceding three months is considered to have regularly and habitually attended public worship at that worship centre.

(5) Where there is more than one worship centre in a parish, the parish electoral roll must show in respect of each parishioner a worship centre with which they are associated.

(6) The worship centre with which a parishioner is shown as being associated for the purposes of sub-section (5) is a worship centre at which the parishioner regularly and habitually attends public worship that has for the purposes of the roll been—

(a) identified by the parishioner; or

(b) if not so identified, determined by the parish electoral committee—

as the worship centre with which the parishioner is associated.

10 Forming a parish electoral roll

(1) For each parish there is a parish electoral committee consisting of the vicar and a churchwarden or member of the parish council appointed by the parish council at its first meeting after the annual meeting.

(2) Where the Archbishop in Council declares a new parish and there is in relation to that parish under the **Trustees Act 1910**—

(a) a Provisional Committee, the vicar and the Provisional Committee constitute the parish

- electoral committee in that parish until there is a parish electoral committee; and
- (b) a Secretary, the Secretary is the parish secretary under this Division until there is a parish secretary.
- (3) When it declares a new parish and Part II of the **Trustees Act 1910** does not apply, the Archbishop in Council must—
- (a) establish an interim parish electoral committee to perform the functions of a parish electoral committee in that parish until there is a parish electoral committee; and
- (b) appoint a person to perform the functions of the parish secretary under this Division until there is a parish secretary.

11 Revising the parish electoral roll

- (1) The parish electoral roll must be maintained and revised by the parish electoral committee.
- (2) Subject to sub-section (3), the parish electoral roll must be revised and if necessary amended each year so as to be completed at a time between 15 and 28 days before the annual meeting of the parish or worship centre to which the roll relates to add the names of people eligible to be on it and to remove the names of people who have become ineligible.
- (3) The parish roll may not be amended—
- (a) in the period of 14 days preceding the annual meeting; or
- (b) during the period between the time when the churchwardens fix the date of a statutory parish meeting (other than an annual meeting) and the

conclusion of that meeting.

- (4) At least 14 days before the revision referred to in subsection 2, notice must be given as widely as possible within the parish of the revision.
- (5) The name of a parishioner must not be removed only on the grounds that they have not regularly and habitually attended public worship at a worship centre in the parish during the previous three months if they have failed to attend for some temporary or unavoidable reason.

12 Display and inspection of the electoral roll

- (1) Subject to this section, the parish electoral roll revised and amended in accordance with section 11(2) must be dated, signed and certified by the parish electoral committee and displayed clearly, together with any names that have been removed since the last annual meeting—
 - (a) near the main entrance to each church in the parish throughout the 14 days preceding the annual meeting; and
 - (b) in a place and manner obvious to anyone attending public worship in a worship centre that is not a church during, and for a reasonable time before and after, each occasion of public worship in that worship centre in the 14 days preceding the annual meeting.
- (2) Subject to this section, anyone who is on the parish electoral roll may inspect the roll at any time at no charge by request to the parish secretary.
- (3) A copy of the parish electoral roll displayed under subsection (1) must be presented to the annual meeting of the parish and must be provided to the Registrar by the

parish secretary if the Registrar so requests.

- (4) The parish electoral roll or local electoral roll that is publicly displayed or available for inspection must not show any information other than that person's first name and surname unless the person has agreed in writing for that other information to be available for public display and inspection.

13 People moving between parishes

- (1) If a person applies to be on the electoral roll of a parish and wishes to be removed from the electoral roll of another parish, the parish secretary must inform the parish secretary of that other parish of the person's wish.
- (2) Once an electoral roll of the other parish has been amended by removing a name as a result of a notice received under sub-section (1), the parish secretary of the other parish must inform the parish secretary of the new parish that the amendment has been made.

14 Prescribed forms for the purpose of this Division

The Archbishop in Council may prescribe forms that are to be used for the purposes of applications, notices and other communications required by this Division.

Division 2 – Parish rules for meetings and officers

15 Parish rules for meetings and officers

- (1) The parish rules for meetings and officers in Schedule 1 apply to each parish.
- (2) If section 18 applies to a parish, the additional rules in Schedule 2 apply to that parish.
- (3) Where in Schedule 1 provision is made for an alternative

or additional rule, the parish may by following the procedures in section 16 adopt that rule as part of the parish's modified parish rules for meetings and officers.

16 Modified parish rules for meetings and officers

- (1) Modified parish rules for meetings and officers may be proposed by—
 - (a) three churchwardens;
 - (b) the parish council; or
 - (c) 10 or more parishioners.
- (2) A statutory parish meeting may adopt modified parish rules for meetings and officers only to the extent that—
 - (a) the text is permitted text in Schedule 1; and
 - (b) the permitted text is used in conformity with the instructions corresponding to that text in Schedule 1.

subsec (3) subs Act no. 4/2023

- (3) A statutory parish meeting may not adopt or amend modified parish rules for meetings and officers at a time when there is no clerk licensed as vicar or as the intentional interim vicar or when the clerk licensed as vicar or as the intentional interim vicar is under suspension from the duties of the office.
- (4) Before a statutory parish meeting may adopt modified parish rules for meetings and officers under sub-section (2)—
 - (a) at least one month's notice of the meeting must have been given; and
 - (b) the full text of the proposed modified parish rules for meetings and officers must have been always available during the period of one month before the

meeting.

- (5) If at a meeting to adopt modified parish rules for meetings and officers, or at any meeting adjourned under this sub-section—
- (a) it is moved and seconded that the rules as available before the meeting be amended in any way; and
 - (b) following the consideration of all such motions one or more such motions has been carried—

the meeting must be adjourned for at least 14 days to a date fixed and announced by the Chair before the meeting is adjourned for the further consideration of the motion to adopt the modified rules.

- (6) A parish may further modify its parish rules for meetings and officers by following the procedure set out in sub-sections (1), (2), (3), (4) and (5).
- (7) Modified or further modified parish rules for meetings and officers may be expressed to come into effect on any date or at any time not more than 14 months after the meeting at which they are adopted.
- (8) The parish must provide a copy of modified and further modified parish rules for meetings and officers to the Registrar as soon as they have been adopted.
- (9) Subject to sub-section (10), the Registrar must register the modified or further modified rules and notify the parish that they have been registered.
- (10) The Registrar—
- (a) must not register a parish's modified or further modified parish rules for meetings and officers unless satisfied that they contain no modifications other than those allowed by Schedule 1; and

- (b) if in doubt as to whether modified or further modified rules contain only modifications allowed by Schedule 1, must refer the modified or further modified rules to the Archbishop in Council for a final determination as to whether they may be registered.
- (11) The Archbishop in Council must not determine that a parish's modified or further modified parish rules for meetings and officers referred to it under sub-section (10) may be registered unless it is satisfied that they contain only modifications allowed by Schedule 1.
- (12) The Registrar must register the modified parish rules for meetings and officers and notify the parish that they have been registered.
- (13) If modified or further modified parish rules for meetings and officers are registered, they have effect from the date on which they are registered under sub-sections (9) or (12) or on the date or at the time expressed in the modified rules, whichever is the later.
- (14) Subject to sub-section (15), the modified parish rules for meetings and officers, whether or not further modified, cease to have effect on the earlier of—
 - (a) the date fixed for that purpose by the modified rules; or
 - (b) the end of the annual meeting of the parish held in the tenth year after the meeting that adopted the modified rules.

subs (15) am Act no. 4/2023

- (15) If at the time when modified parish rules for meetings and officers are to cease to have effect under sub-section (14) the parish has no clerk licensed as vicar or as the intentional interim vicar, they continue to have effect

until the end of the first statutory parish meeting held after the institution of the next vicar.

- (16) A parish must state in its annual statistical return whether it has modified parish rules for meetings and officers and the date on which those rules cease to have effect by virtue of sub-section (14).
- (17) In this section, modified parish rules for meetings and officers means the rules in Schedule 1 varied in accordance sub-section (2).

17 Rules applying to elections

- (1) An election at a statutory parish meeting must be conducted so as to fill the offices and positions provided for in the parish rules for meetings and officers that will be in place following the close of that meeting.
- (2) Where—
- (a) an election or appointment is to take place at a statutory parish meeting, and
 - (b) the parish rules for meetings and officers that will operate in relation to the election or the offices following the meeting are different from those operating up to the end of the meeting—
- the meeting may resolve—
- (c) that the meeting stand adjourned for a period not exceeding 21 days; and
 - (d) that the election or appointment is to take place at that adjourned meeting—

and may further set a closing date for the receipt of additional nominations for election.

18 Parishes with a local worship centre

- (1) If there is a local worship centre in a parish, the parishioners on the local electoral roll of that local worship centre may at a meeting called for the purpose resolve that this section applies.
- (2) If this section applies—
 - (a) the budget presented to the annual meeting of the parish must include details of the income from each worship centre and the expenditure associated with the buildings and accommodation of each worship centre; and
 - (b) a meeting of the parishioners on the local electoral roll of one or more of—
 - (i) the principal worship centre; and
 - (ii) a local worship centre—

may resolve that there is to be a local annual meeting for that worship centre and, if it resolves that there is to be an annual meeting for that worship centre, that there is to be a vestry for that worship centre.
- (3) A local statutory parish meeting may—
 - (a) if there is a vestry for that worship centre, resolve not to have a vestry for that worship centre; and
 - (b) if there is no vestry for that worship centre or it has resolved not to have a vestry for that worship centre, resolve that there is not in future to be an annual meeting for that worship centre.
- (4) A local statutory parish meeting of a local worship centre that has no vestry and no annual meeting may resolve that this section no longer applies.

- (5) This section no longer applies if a local statutory parish meeting of every local worship centre that has previously resolved that this section applies has resolved that this section no longer applies.

s 19 am Acts nos 2/2017, 10/2022

19 Disqualification from holding parish offices

- (1) Subject to sub-section (3) a person who is—
- (a) an undischarged bankrupt; or
 - (b) a person who has been convicted of an offence punishable by more than 5 years imprisonment; or
 - (c) permanently or for a period of more than 12 months incapable to a substantial degree by reason of mental incapacity or physical disability to discharge the duties of a parish office —
- is a disqualified person and may not be a parish officer.
- (2) A person who is subject to a prohibition order under the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** may not be a parish officer in relation to any position, office or function which they are prohibited from holding or carrying out under that Act, and that person is a disqualified person to the extent, but only to the extent, of that prohibition.
- (2A) Subject to sub-sections (2B) and (3A), a person is a disqualified person in relation to election or appointment to—
- (a) a parish council (whether as a churchwarden or other member);
 - (b) a vestry (whether as a churchwarden or other member); or
 - (c) an incumbency committee—
- if—

- (d) as a result of an election that is about to take place that person would or may become a member of that parish council, that vestry, or that incumbency committee at the same time as the spouse or domestic partner of that person is also a member of that same parish council, vestry or incumbency committee; or
 - (e) as a result of an appointment that person has become a member of that parish council, that vestry, or that incumbency committee at the same time as the spouse or domestic partner of that person is also a member of that same parish council, vestry or incumbency committee.
- (2B) Sub-section (2A) does not operate to prevent a person who becomes while in office the spouse or domestic partner of another person who is a member of the same parish council, vestry or incumbency committee from completing that term of office.
- (3) The Archbishop, on the advice of the Chancellor, may exempt a person in whole or in part from the application of sub-section (1).
- (3A) The Archbishop in Council may exempt a person in whole or in part from the application of sub-section (2A), and for such period, on such conditions, and in relation to such positions or offices as it determines, and a person in respect of whom an exemption currently applies is not to the extent of that exemption a disqualified person for the purposes of that sub-section.
- (3B) In this section—
- domestic partner*** of a person means a person with whom the person is in a domestic relationship that is—
- (a) a registered domestic relationship within the

meaning of the **Relationships Act 2008** (Vic); or

- (b) a relationship between two persons who are not married to each other but who are living together as a couple on a genuine domestic basis (irrespective of gender).

spouse means the person to whom a person is married.

- (4) The participation of a disqualified person in a meeting of a parish does not invalidate the meeting or any proceedings at it.

20 Declaration by office holders

- (1) Subject to sub-section (2), a person appointed or elected to a parish office must not perform any duties of that office before signing a declaration in or to the effect of the prescribed form.
- (2) Sub-section (1) applies to a person not already a member of the parish council appointed temporarily to act as a churchwarden or treasurer, but not to a person so appointed who is at the time of the appointment already a member of the parish council or to a member of an incumbency committee referred to in section 21(1)(b).
- (3) If a person fails to comply with sub-section (1) within one month of being appointed or elected, the office becomes vacant.

s 21 am Acts nos 4/2015, 5/2016, 10/2022, repealed 1/2022

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22 Status of decisions

- (1) The parish council must take into consideration any expression of opinion by a statutory parish meeting.
- (2) Except as otherwise provided by this or any other Act, a decision of a statutory parish meeting is not binding on

the parish council or churchwardens unless it is a decision requiring that a matter be considered or taken into account, or a decision seeking a report in relation to a matter.

- (3) A decision of a parish council is not binding on the churchwardens in relation to any matter for which they have a statutory responsibility.

Division 3 ins Act no. 1/2022

Division 3 – Parish nominators

22A Parish nominators

- (1) For a parish with one worship centre, the parish nominators are—
- (a) the female parish nominator;
 - (b) the male parish nominator; and
 - (c) the churchwarden appointed as a parish nominator—

holding that office in accordance with this Division at the time when the parish nominations committee or the appointments continuation review committee first meets.

- (2) Subject to subsection (3), for a parish with more than one worship centre, the parish nominators are—
- (a) the parish nominator elected at the annual meeting of parishioners;
 - (b) the parish nominator elected by the parishioners on the local electoral roll of the principal worship centre;
 - (c) the parish nominators elected by the parishioners on the local electoral rolls of each of the local worship centres that are not the principal worship centre;

and

- (d) the churchwarden appointed as a parish nominator—

holding that office in accordance with this Division at the time when the parish nominations committee or the appointments continuation review committee first meets.

- (3) If in a parish with more than one worship centre a statutory parish meeting in each of the worship centres at a meeting of which notice of the proposal has been given decides that there should be the same number of parish nominators as there would be for a parish with one parish centre, the provisions of this Division apply as if the parish had one worship centre.
- (4) A parish nominator must be a communicant member.

22B Election of parish nominators

- (1) For a parish with one worship centre, an election for the female parish nominator and an election for the male parish nominator are to be conducted at the annual meeting.
- (2) For a parish with more than one worship centre—
- (a) an election for the parish nominator elected at the annual meeting of parishioners is to be conducted at that meeting; and
- (b) an election for the parish nominators elected by the parishioners on each of the electoral rolls of the principal and other worship centres is to be conducted at a statutory parish meeting for the election of the parish nominator under paragraph (a).

- (3) The parish nominator elected by the parishioners on the electoral roll of the principal worship centre must be of the opposite sex to the parish nominator elected under subsection (2)(a).

22C Reserve lists

- (1) A relevant meeting may also elect a reserve list for the position of that parish nominator.
- (2) In a parish with more than one worship centre, a person may be on the reserve list both for the parish nominator elected by the annual meeting of the parish and the parish nominator elected by the parishioners of a worship centre other than the principal worship centre.
- (3) The relevant meeting may limit the number of positions on any reserve list to which it is entitled to elect members.
- (4) Nominations for election to a reserve list may be made before or during a relevant meeting.
- (5) Where the relevant meeting has limited the number of positions under subsection (2) and there are more parishioners nominated than that number of positions, there must be an election.
- (6) Regardless of whether the number of positions in the reserve list is limited under subsection (2) and regardless of whether an election has been conducted under subsection (4), a person is elected only after the chair of the relevant meeting has put to the meeting separately in the case of each such person the question that that person be elected to that reserve list and the meeting has decided that question in the affirmative.
- (7) Within 30 days of being elected to a reserve list, the

members of a reserve list must determine amongst themselves the order in which they are to fill a vacancy and inform the vicar of that order.

- (8) If the vicar is not informed of an order agreed under subsection (6), the vicar is to determine the order by lot.

22D Appointment of churchwarden as a parish nominator

- (1) Within 30 days of an annual meeting or before the first meeting of the parish council following an annual meeting (whichever occurs first), the churchwardens must appoint as a parish nominator a churchwarden who is not already a parish nominator.
- (2) Subject to subsection (3), if the person appointed under subsection (1) is for any reason no longer available at the time when the parish nominations committee is first convened, the churchwardens must, before the first meeting of the parish nominations committee, appoint as a parish nominator a churchwarden who is not an elected parish nominator.
- (3) If at the time of appointing a churchwarden under subsection (2) the only churchwardens available as parish nominators are already elected parish nominators, the churchwardens may appoint one of those parish nominators for the purposes of this section, and there is then a vacancy in the position of elected parish nominator held by that churchwarden,
- (4) If, after the parish nominations committee has first met, a churchwarden appointed to it under this section ceases to be a churchwarden, the churchwardens must within 30 days appoint to the parish nominations committee a churchwarden who is not an elected parish nominator. If that person is on reserve list, the person ceases to be on that reserve list at the time of being appointed under this

subsection.

22E Vacancies in positions of elected parish nominators for parish nominations committee

- (1) A vacancy in the office of elected parish nominator arising before the first meeting of the parish nominations committee is to be filled, if possible, from the reserve list for that position by a person.
- (2) If a vacancy in the office of elected parish nominator arising before the first meeting of the parish nominations committee cannot be filled from the reserve list for that position a relevant meeting must be convened.
- (3) A relevant meeting convened under subsection (2) may—
 - (a) fill a vacancy by conducting an election under section 22B; and
 - (b) do anything provided for in section 22D to create a reserve list and elect parishioners to it.

22F Vacancies in positions of elected parish nominators for appointment continuation review committee

- (1) A vacancy in the office of elected parish nominator arising before the first meeting of the appointment continuation review committee is to be filled, if possible, from the reserve list for that position by a person.
- (2) A vacancy in the office of elected parish nominator arising before the first meeting of the appointment continuation review committee that cannot be filled from the reserve list continues until the appointment continuation review committee has concluded its work.

22G Exemption from certain provisions

- (1) The vicar and churchwardens may jointly apply to the Registrar for an exemption from—
 - (a) a requirement that a parish nominator elected under section 22A(1)(a) be female;
 - (b) a requirement that a parish nominator elected under section 22A(1)(b) be male; or
 - (c) section 22B(3).
- (2) An application under subsection (1) must state that there is no parishioner eligible to be elected as a parish nominator who meets the requirement.
- (3) The Registrar has an absolute discretion to grant or disallow the application.

22H Registrar to be informed of outcomes of elections etc

The parish must inform the Registrar as soon as possible of—

- (a) the name, postal address and email address of each person elected or appointed as a parish nominator or a member of a reserve list;
- (b) a person referred to in paragraph (a) ceasing to be a parish nominator or a member of a reserve list, or becoming a parish nominator under section 22E(3); and
- (c) the order determined under section 22C(7) or 22C(8).

22I Parish nominators continue until institution of next vicar

After the first meeting of a parish nominations committee, the elected parish nominators continue as members until the institution of the next vicar, and any persons elected or appointed under this Division (other than to fill a vacancy as provided for in this Division) after that first meeting are

elected or appointed only for the purposes of being members of a parish nominations committee or appointments continuation review committee convened after the institution of the next vicar or the confirmation or extension of the vicar (as the case requires).

22J Interpretation

In this Division, *relevant meeting* means the statutory parish meeting or the meeting of parishioners on the electoral roll of a local worship centre that is entitled to elect a parish nominator to a position referred to in section 22A(1)(a) or 22A(1)(b) or section 22A(2)(a), 22A(2)(b) or 22A(2)(c).

Part 5 — Responsibilities in parish governance

Division 1 — The churchwardens and parish council

23 Churchwardens

- (1) Subject to this Act, the churchwardens of a parish are responsible for—
 - (a) the care and maintenance of the church, the vicarage and other accommodation provided by the parish for the staff of the parish, the church grounds, and all other buildings and property of the parish;
 - (b) the care of the furniture of the worship centres and of all things necessary for the conduct of public worship, and for providing everything necessary for the conduct of public worship, including the bread and wine for the Holy Communion;
 - (c) keeping in order the worship centres and their grounds and seeing that everything in and about the worship centres is fit and in proper order for the due performance of public worship;
 - (d) keeping order in the worship centres during public worship and providing for the due seating of the congregation and the collection of their offerings;
 - (e) reporting to the parish council all repairs or alterations required in the fabric, fittings or furniture of the worship centres and the fabric and fittings of the vicarage;
 - (f) complying with any laws of the Commonwealth of Australia, the State of Victoria or any municipality in which the parish has property that impose mandatory requirements applicable to the land, buildings and operations of the parish; and

- (g) the other functions and responsibilities imposed on them by this Act.
- (2) The churchwardens must ensure that any leave taken by the vicar is consistent with the terms of the vicar's appointment.

s 23(2) am Act no 10/2022

- (3) Except where the churchwardens have a duty to report the matter under section 22 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**, the churchwardens of the parish have a duty to provide a written report to the Archbishop, signed by a majority of them, on any serious irregularities in the performance of public worship or any wilful neglect of duty or any serious misconduct on the part of the vicar.
- (4) The churchwardens have the functions and duties conferred or imposed by the laws of the Church, including canons of General Synod adopted by this Diocese and the laws of this Diocese.

s 24 am Acts no 1/2022

24 Role of the vicar

The vicar has a distinct role in governance and management of the parish and—

- (a) is responsible for the administration of public worship, for the preaching and teaching of the word of God, for the administration of the sacraments, and for its whole mission, pastoral, evangelistic, social, and ecumenical;
- (b) contributes biblical, theological, pastoral, liturgical, educational, evangelistic and ethical insights to the governance and management of the parish;
- (c) works in cooperation with the churchwardens and parish council in ensuring that the governance and management of the parish serves the identity and whole mission of the

church;

- (d) exercises a presidential role by chairing the parish council, the vestry and statutory parish meetings, or by appointing other fit persons to chair such meetings as provided for by this Act and the parish rules for meetings and officers, and is entitled to exercise a vote at a meeting of the parish council or a vestry (whether chairing the meeting or not), but is not entitled to exercise a vote at statutory parish meetings;
- (e) may make appointments jointly with the churchwardens under the Act; and
- (f) may recommend to the Archbishop persons to be appointed to ministry in the parish as a parish minister or as an authorised lay minister.

25 Functions of the parish council

- (1) The functions of the parish council include, in addition to the functions contained in this or any other Act,—
 - (a) promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
 - (b) supporting and assisting the churchwardens in the discharge of their responsibilities;
 - (c) the consideration and discussion of matters concerning the Anglican Church or any other matters of religious or public interest but not the declaration of the doctrine of the Anglican Church on any question;
 - (d) making known and putting into effect any provision made by the Diocesan Synod;
 - (e) giving advice to the Diocesan Synod on any matter referred to the parish council; and

- (f) raising such matters as the parish council considers appropriate with the Diocesan Synod.
- (2) The parish council must consult together on matters of general concern and importance to the parish.
- (3) The parish council must have in place and review annually a plan setting out material risks and the mitigation strategies.

Division 2 — Appointments

26 Interpretation

In this Division, a reference to authorised lay ministry is a reference to lay ministry of a kind that is or may be authorised pursuant to the Authorised Lay Ministry Canon 1992 of the General Synod of the Anglican Church, and a reference to authorised lay minister is a reference to a person authorised for authorised lay ministry.

27 Appointments generally

s 27(1) am Act no 1/2022

- (1) The parish council may determine amounts to be available for the remuneration, benefits and allowances of the holders of roles, offices or positions in the parish.
- (1A) The parish council must—
 - (a) agree, before it is made, to any recommendation regarding the amount of remuneration, benefits and allowances, terms and working conditions, time fraction, and period of appointment—
 - (i) relating to the appointment of a parish minister or curate; or
 - (ii) relating to an appointment to be made under section 28(2); and
 - (b) decide, before an appointment is made under

section 29, the remuneration, benefits and allowances, terms and working conditions, period of appointment, and time fraction of that appointment.

- (1B) The parish council must agree, before it is made, to any recommendation regarding the amount of remuneration, benefits and allowances, terms and working conditions, time fraction, and period of appointment in respect of an appointment of a parish minister that may be extended.
- (1C) A parish council may under this section agree to recommend remuneration, benefits and allowances, or other terms and working conditions more advantageous than the remuneration, terms or conditions determined by the Archbishop in Council under section 17 of the Clergy Act 2022.
- (1D) A decision by a parish council under this section to agree to a recommendation to appoint a parish minister without reference to remuneration, benefits and allowances or other terms and working conditions is to be treated as a recommendation to make an appointment on the remuneration, benefits and allowances and terms and working conditions determined by the Archbishop in Council under section 17 of the Clergy Act 2022.

s 27(1E) am Act no 5/2023

- (1E) A parish council must not agree to or decide on remuneration, benefits and allowances and terms and working conditions in relation to a lay person appointed under this Division that would be contrary to or inconsistent with—
 - (a) an applicable industrial award or industrial agreement; and
 - (b) any policy of the Archbishop in Council.

(1F) Nothing in this section is to be read or construed as altering or affecting an exclusive right of the Archbishop, the vicar or the vicar and the churchwardens in sections 28 and 29 to recommend a person for appointment or reappointment or to make or continue an appoint.

(2) A person appointed to a role, office or position in a parish must be fit to hold the role, office or position in the Anglican Church whether unconditionally or subject to any condition or restriction.

s 27(3) am Act no 1/2022

(3) A person appointed to hold any role, office or position in a parish for ordained ministry or for authorised lay ministry must not engage in that ministry without a clergy authorization or lay authorization which shall be conclusive evidence of their fitness for that role, office or position.

s 27(4) am Act no 1/2022, 4/2023

(4) Except with the prior written consent of the relevant Archdeacon (or, in a parish in which the Archdeacon is the vicar, the Archbishop or the relevant assistant bishop), a churchwarden may not be appointed to, or continue to hold, a remunerated office or position in the parish.

s 28 subs Act no. 1/2022

28 Appointment of authorised stipendiary lay ministers

(1) The Archbishop alone may appoint an authorised stipendiary lay minister in a parish and alone may suspend or terminate that appointment.

(2) The vicar is responsible for recommending to the Archbishop the appointment of a person under subsection (1) and the remuneration, benefits and allowances and other terms and working conditions of that appointment.

- (3) An appointment under subsection (1) is on the remuneration, benefits and allowances and other terms and working conditions—
 - (a) recommended by the parish council under section 27; and
 - (b) determined by the Archbishop that are not inconsistent with the terms and working conditions recommended under paragraph (a).
- (4) The Archbishop must consult with the vicar before exercising the power of appointment, suspension or termination unless it is impracticable to do so.
- (5) The vicar is responsible for supervising and managing a person appointed under this section.
- (6) The vicar must consult with the churchwardens in relation to any course of action, recommendation or decision in relation to a person appointed under subsection (1) that—
 - (a) may result in their suspension or termination; or
 - (b) if the person was an employee, would constitute or may constitute dismissal or constructive dismissal.
- (7) Subsection (6) does not require a church authority to consult the churchwardens in relation to an action taken by the church authority under the **Professional Standards Uniform Act (Diocese of Melbourne) 2016**.
- (8) The churchwardens of a parish must indemnify the Diocesan Corporation from the funds of the parish in respect of a claim made by a person appointed under this section arising from a course of action, recommendation or decision referred to in subsection (6).
- (9) Nothing in this section derogates from the inherent

powers or authority of the Archbishop.

s 29 am Act no. 1/2022

29 Other appointments

- (1) Except as provided in sub-section (4) of this section and otherwise in this Act, the vicar alone may appoint a person to any role, office or position in the parish and alone may suspend or terminate that appointment.
- (2) The vicar may authorize a person on his or her behalf to manage and supervise a person appointed under sub-section (1).
- (3) The vicar may delegate to the relevant Archdeacon or to another person approved by the Archbishop his or her duties and functions as the Church authority under the **Professional Standards Uniform Act (Diocese of Melbourne) 2016** in relation to a person appointed under sub-section (1).
- (4) Except as otherwise provided in this Act or in the parish rules for meetings and officers, the vicar and churchwardens may jointly appoint—
 - (a) a person to any remunerated role, office or position in the parish that is not in relation to public worship, mission, ministry or teaching; and
 - (b) a person to any role, office or position in the parish involving the handling or collection of moneys or the keeping of parish books and records—and may jointly suspend or terminate that appointment.
- (4A) The remuneration, terms and working conditions, period of appointment, and time fraction of an appointment under this section are those decided by the parish council under section 27(1A).

- (5) The vicar and churchwardens may jointly authorize one of their number on their behalf to manage and supervise the person in the role, office or position.

s 29(6) am Act no 10/2022

- (6) The vicar and the churchwardens may jointly delegate to one of their number or to the relevant Archdeacon or to another person approved by the Archbishop their duties and functions as the Church authority under the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** in relation to a person appointed under subsection (4).

subs (7)-(9) ins Act no 1/2022

- (7) The vicar must consult with the churchwardens in relation to any course of action, recommendation or decision in relation to a person appointed under this section that—
- (a) may result in their suspension or termination; or
 - (b) would constitute or may constitute dismissal or constructive dismissal.
- (8) Subsection (7) does not require a church authority to consult the churchwardens in relation to an action taken by the church authority under the **Professional Standards Uniform Act (Diocese of Melbourne) 2016**.
- (9) The churchwardens of a parish pay to the Diocesan Corporation from the funds of the parish any amount paid by the Diocesan Corporation in respect of a claim made by a person appointed under this section arising from a course of action, recommendation or decision referred to in subsection (7).

Division 3 — Annual diocesan assessment

s 30 am 2/2015

30 Annual diocesan assessments

- (1) A parish must pay from its funds to the Diocese in accordance with this section the annual diocesan assessment specified in sub-section (5) or as otherwise determined under section 31.
- (2) The annual diocesan assessment is **to be applied** for the purpose of contributing to—
 - (a) funds recognized by the Archbishop in Council as being required by the Diocesan Corporation for its purposes;
 - (aa) funds to be expended by the Archbishop in Council or in accordance with the budget of the Archbishop in Council;
 - (b) the expenses of the Synod;
 - (c) funds authorized or required to be expended by statute or resolution of Synod, and
 - (d) purposes incidental to any of the foregoing items of expenditure.
- (3) The assessment is an amount determined in the manner prescribed by the Archbishop in Council on the basis of the annual income of the parish, net of allowable deductions and at a stipulated rate of assessment.
- (4) For the purpose of determining the annual diocesan assessment, the parish must give the Registrar an annual statement of the income and expenditure of the parish in the form and at the time prescribed.
- (5) The Registrar must determine the annual diocesan assessment in the manner prescribed and issue a notice of

assessment to the parish.

- (6) The parish must discharge its obligations under this Part within the time and in the manner prescribed.

31 Objection to annual diocesan assessment

- (1) A parish may within a prescribed time in the prescribed form object to the Archbishop in Council against the annual diocesan assessment.
- (2) The grounds for the objection must be stated fully and in detail, and must be in writing.
- (3) The Archbishop in Council may following an objection under sub-section (1), allow the objection and determine an annual diocesan assessment in lieu of the annual diocesan assessment determined by the Registrar under section 30(5).

s 32 am Nos 3/2015, 2/2021

32 Waiver of annual diocesan assessment

- (1) A parish may within a prescribed time apply to the Archbishop in Council for some or all of its obligation to pay the annual diocesan assessment to be waived.
- (2) The Archbishop in Council may at the time when the parish is first created or following an application under sub-section (1), in its absolute discretion waive in whole or in part a parish's obligation to pay the annual diocesan assessment on such terms and conditions as it may decide.
- (3) The Archbishop in Council must adopt and publish a policy guiding the exercise of its discretion under sub-section (2).

Division 4 — Finance

33 Parish council and parish budget

- (1) The parish council has the general direction of the administration of all parish funds other than those excluded from that direction by the trusts on which they are held, and must provide that direction in accordance with this Division.
- (2) The parish council must approve and present to each annual meeting a parish budget for the financial year in which the meeting is held.
- (3) The parish budget must specify an amount with regard to each of the matters for which payment must be made under section 35(1).
- (4) The parish council may alter the parish budget to respond to unforeseen increases or decreases in income, expenditure, assets or liabilities.
- (5) The treasurer must ensure that the funds of the parish are expended in a manner consistent with the parish budget.
- (6) In this Division, parish budget means the parish budget approved and presented under sub-section (2) as altered under sub-section (4).

s 34 am No. 4/2015

34 Parish funds

- (1) The churchwardens have responsibility for the proper keeping and management of all parish funds and must maintain adequate and accurate accounting records of the parish's financial transactions.
- (2) The funds of the parish must be kept in an account in the name of the parish with a bank or with some other

prescribed institution.

- (3) Subject to this section—
 - (a) the signatories for payments from the funds of the parish are the treasurer, the churchwardens and any other persons decided by the parish council; and
 - (b) a cheque or other payment from the funds of the parish must be signed or authorized by two signatories, one of whom is the treasurer or a churchwarden.
- (4) All money received by the parish in order for it to be remitted to a person or body outside the parish must be paid to that person or body within two months of its being received.
- (5) A person must not incur a liability on behalf of the parish except as authorized by the parish council.
- (6) The parish council must establish a proper system for monitoring the incurring of liabilities on behalf of the parish to ensure that liabilities are incurred within the scope and terms of the authorization.

Subs 34(7) am Act no. 1/2022

- (7) The Archbishop in Council may make regulations regarding the systems to be established under sub-section (6) including any payroll system permitted or required to be used by a parish in association with payments made in accordance with a determination made under section 17 of the **Clergy Act 2022**.

35 Application of parish funds

- (1) The parish must out of its funds pay for—
 - (a) the supply of all things necessary for public worship and the administration of the sacraments;

- (b) the amounts of remuneration determined under section 27(1);
 - (c) the insurance required by section 39;
 - (d) the payment of interest on money borrowed for the erection of the worship centre, vicarage or other parish buildings; and
 - (e) the annual diocesan assessment.
- (2) If any rent is received for the buildings of the parish, the insurance and repairs of those buildings must be met first from the rent.
- (3) After making due provision for any existing debt, the parish budget may provide for—
- (a) the investment of any surplus funds in the manner prescribed;
 - (b) the expenditure of surplus funds for such pious and charitable uses as the parish council may think fit; or
 - (c) retaining surplus funds in an operating account of the parish.

36 Other provisions relating to management of parish funds

- (1) Despite any other provision of this Act—
- (a) money raised by or contributed to the parish in connection with the parish church or other parochial buildings or for improving or furnishing them, or for any other purpose or purposes connected with the Anglican Church or any of its schools, societies, clubs, committees or other institution; and
 - (b) money raised or contributed to the parish from any trust or corporation established for the benefit of the

parish or to advance any mission or ministry for which the parish is responsible—

must be shown in the accounts of the parish.

- (2) The vicar, other than in the discharge of the responsibilities provided for in this Act, must not have any involvement in the management or administration of the finances or financial arrangements other than as a member of the parish council or a sub-committee of the parish council.

Division 5 —Property held for parish purposes

37 Use of property held by a parish for parish purposes

- (1) The parish council must ensure that the uses to which property held or controlled for parish purposes are put are consistent with the fundamental beliefs and principles of the Christian church and the good name and repute of the Anglican Church.
- (2) A meeting (other than a duly called statutory parish meeting or a meeting of a parish council or vestry) may not be held in any parochial building (including a worship centre) without the consent of the vicar.
- (3) The fittings and furniture of a new church may be installed, and the fabric, fittings and furniture of any church may be added to, altered or removed, only by the churchwardens with the approval of the vicar and parish council and the written consent of the Archbishop.
- (4) A monument must not be placed within or on the walls of a church without a faculty from the Archbishop.
- (5) The churchwardens must not remove or reinstate anything installed, added, altered or removed otherwise than in accordance with this section or without any necessary faculty.

- (6) This section does not prevent the churchwardens from repairing and maintaining the fabric, fittings and furniture of a church as closely as possible to their original condition.
- (7) In this section, *fittings* includes monuments, stained glass windows and any fixtures primarily ornamental or decorative affixed to or incorporated into the fabric of the church.
- (8) The churchwardens, with the consent of the vicar and parish council, may permit any monument to be placed in any part of a church or church grounds upon payment of such charges and subject to such regulations as are prescribed and the person so placing a monument, and the person's heirs, administrators and executors, may maintain and keep up the monument to and for his, her or their sole and separate use.

s 38 heading and s 38 am Act no. 1/2022

38 Property rights of the vicar

- (1) The vicar is entitled to the means of access (including keys, security passes and security codes) to all the worship centres and other buildings of the parish used for parish purposes, and is to have unimpeded access at all times to the worship centres and those other buildings.
- (2) The vicar is entitled to lead public worship, administer the sacraments and perform all other rites and ordinances of the Anglican Church without hindrance from any one.
- (3) The clerk licensed as vicar is entitled to reside in the vicarage and, when resident, to the free and unimpeded use and enjoyment of the vicarage and any land associated with it.
- (4) The vicar may not let or otherwise part with possession of the vicarage, and if the clerk licensed as vicar does not

reside in the vicarage the parish council is responsible for deciding how it and any land associated with it are to be occupied or otherwise used.

- (5) The clerk licensed as vicar must not, without the prior consent in writing of the Archbishop following consultation with the parish council, reside beyond the boundaries of the parish.
- (6) The rights and entitlements of a clerk licensed as vicar continue only for as long as he or she is so licensed.

39 Parish insurance

- (1) A parish must maintain adequate insurance for—
 - (a) all the buildings of the parish;
 - (b) the contents of all the buildings of the parish;
 - (c) loss or damage occurring in connection with the ownership, management, control or use of the buildings of the parish and their contents and of the grounds of the parish; and
 - (d) any liability of the parish officers incurred in that capacity (including any legal fees, fines or penalties) other than as a result of their fraud or wilful misconduct.
- (2) Sub-section (1) does not require a parish to insure against any loss or damage against which the Diocesan Trusts Corporation has insured in accordance with the **Diocese of Melbourne Insurance Act 1986**.
- (3) The parish must pay the insurance premiums that are from time to time determined under the **Diocese of Melbourne Insurance Act 1986** by the Archbishop in Council to be payable by the parish to the Diocesan Trusts Corporation or any other body.

- (4) The churchwardens must maintain a full and complete inventory of all registers, records, legal documents and of all furniture, service books, and vessels belonging to the parish and must provide to the Registrar a copy of the inventory as it is updated from time to time.

s 40 am Act no. 1/2022

40 Public worship

- (1) Except with the prior written authorization of the Archbishop, the vicar and the churchwardens, a worship centre must not be used for any purpose other than public worship, the administration of the sacraments, the performance of the rites and ordinances of the Anglican Church or religious instruction or devotion.
- (2) Public worship must be conducted in accordance with—
- (a) a form of service contained in—
 - (i) the Book of Common Prayer;
 - (ii) An Australian Prayer Book;
 - (iii) A Prayer Book for Australia; or
 - (b) deviations from any of those forms permitted by the Archbishop under section 4 of the Constitution of the Anglican Church; or
 - (c) variations to any of those forms which are not of substantial importance according to particular circumstances and which are authorized under a Canon of the Anglican Church adopted by the Diocese.
- (3) Subject to sub-section (4), a person other than the Archbishop or the relevant assistant bishop may not perform a clerical office in a worship centre without the consent of the vicar and the Archbishop.
- (4) A clerk holding a clergy authorization may perform a

clerical office in a worship centre with the consent of the vicar alone or, if the vicar is suspended from office or for any other reason not capable of consenting, with the consent of the Archbishop.

- (5) The time or mode of conducting the principal service in a worship centre may be changed only with the consent of the vicar and the parish council given at a meeting summoned for the purpose and ratified at another meeting not more than six months later.

Division 6 — Preparation, audit and independent examination of accounts

41 Statements of money raised for parish

- (1) A treasurer or other person who has the custody or control of any money of the parish must each year, at least 14 days before the date of the annual meeting and at other times when called upon by the churchwardens, provide to the churchwardens a statement of accounts and balance sheet.
- (2) The churchwardens must to the fullest extent that it is possible for them to do so obtain the most recent profit and loss statement and balance sheet of every trust or corporation established—
 - (a) for the benefit of the parish; or
 - (b) to advance any mission or ministry for which the parish is responsible—and of which the vicar or any parish officer is an officer.

42 Churchwardens to prepare accounts

- (1) As soon as possible after the end of a financial year the churchwardens must prepare the accounts in respect of

that financial year to be tabled at the annual meeting.

- (2) The accounts must be prepared in accordance with the following principles:
 - (a) there must be an abstract of accounts of all moneys received and expended during the financial year that gives a true and fair view of the incoming resources and the application of the resources in that financial year;
 - (b) there must be a statement of all assets and liabilities of and in connection with the parish as at the end of the financial year that gives a true and fair view of the state of affairs of the parish at the end of that financial year.
- (3) The notes in Schedule 3 must be provided with the accounts to the extent necessary to show a true and fair view of the accounts.
- (4) The churchwardens must—
 - (a) show the accounts to the parish council before the annual meeting;
 - (b) submit the accounts to the auditors or the independent examiner together with all accounting records required by the auditors or the independent examiner;
 - (c) have the accounts, the certificate of the auditors or the independent examiner, and the statements and balance sheets obtained by them under section 41(2) printed and made available in printed form to the parishioners attending the annual meeting; and
 - (d) send to the Registrar within seven days after the annual meeting two copies of the documents printed for the annual meeting.

- (5) The churchwardens must—
- (a) inform the annual meeting of any material change, as at the date of the meeting, in the income, expenditure, assets or liabilities from that shown in the accounts and the budget presented to the meeting; and
 - (b) immediately after the annual meeting, give to their successors, all accounting records and other documents relevant to the financial administration of the parish.

S 43 am 2/2019 s 2

43 Audit and independent examination

- (1) The annual meeting of a parish whose total receipts in the financial year immediately preceding that annual meeting exceed the prescribed amount must appoint an auditor.
- (2) The annual meeting of a parish to which sub-section (1) does not apply must appoint either—
 - (a) an auditor; or
 - (b) an independent examiner.
- (3) If at any time a position of auditor or independent examiner becomes vacant, the parish council must appoint an auditor or independent examiner to fill the vacancy.
- (4) An auditor or independent examiner appointed under this section holds office until the next annual meeting unless in the meantime the auditor or independent examiner —
 - (a) dies;
 - (b) resigns; or
 - (c) is removed by resolution of a special meeting.
- (5) In this section *prescribed amount* means amount

prescribed by the Archbishop in Council.

44 Qualifications of auditor

An auditor must be —

- (a) a registered company auditor under the Corporations Act 2001 (Cth);
- (b) a firm of registered company auditors under the Corporations Act 2001 (Cth);
- (c) a person who is a member of CPA Australia or the Institute of Chartered Accountants in Australia; or
- (d) a person who is approved by the Registrar of Incorporated Associations under section 99(5) of the **Associations Incorporation Reform Act 2012** of the State of Victoria to audit financial statements.

45 Duties of the auditor

(1) The auditor must —

- (a) audit or review the accounts in accordance with this Act and the Australian Auditing Standards made by the Auditing and Assurance Standards Board under the **Corporations Act 2001** (Cth); and
- (b) report to the Registrar as soon as practicable in the prescribed form if a matter of material significance has arisen.

(2) The auditor must give to the churchwardens before the annual meeting a report on the results of the audit or review (as the case may be) which—

- (a) states his or her name and address and the name of the parish;
- (b) is signed by him or her and specifies any relevant qualifications or professional body of which he or

- she is a member;
- (c) is dated and specifies the financial year in respect of which the accounts to which it relates have been prepared;
 - (d) specifies that it is a report in respect of an audit or review carried out under section 45 of the Act;
 - (e) in the case of an audit, states whether in the auditor's opinion—
 - (i) the accounts comply with the requirements of section 42 of the Act; and
 - (ii) the accounts give a true and fair view of the moneys received and expended and of the state of affairs of the parish at the end of the financial year in question;
 - (f) in the case of a review, reports as a matter of fact whether on the basis of the review assignment, anything has come to the auditor's attention that causes the auditor to believe that the financial report is not prepared in accordance with the requirements of section 42(2);
 - (g) states whether or not any matter has come to the auditor's attention in connection with the audit or review which gives him or her reasonable cause to believe that in any material respect—
 - (i) accounting records have not been kept in respect of the parish in accordance with this Act; or
 - (ii) the accounts do not accord with those records;
 - (h) states whether or not any matter has come to the auditor's attention in connection with the audit or review to which, in his or her opinion, attention should be drawn in the accounts in order to enable a

proper understanding of the accounts to be reached;
and

- (i) contains a statement as to any of the following matters that has become apparent to the auditor during the course of the audit or review:
 - (i) that a matter of material significance has arisen;
 - (ii) that any information or explanation to which the auditor is entitled under this Act has not been made available to him or her.

46 Qualifications of independent examiner

The independent examiner must be an independent person who is nominated by the churchwardens and who they reasonably believe has the requisite ability and practical experience to carry out a competent examination of the accounts.

47 Duties of independent examiner

- (1) The independent examiner must —
 - (a) undertake an independent examination of the accounts in accordance with this Act and any procedures prescribed by Archbishop in Council;
and
 - (b) report to the Registrar and the churchwardens as soon as practicable in a form prescribed if a matter of material significance has arisen.
- (2) The independent examiner must give the churchwardens prior to the annual meeting a report on the results of the independent examination which—
 - (a) states his or her name and address and the name of the parish;
 - (b) is signed by him or her and specifies any relevant

- qualifications or professional body of which he or she is a member;
- (c) is dated and specifies the financial year in respect of which the accounts to which it relates have been prepared;
 - (d) specifies that it is a report in respect of an examination carried out under section 47 of the Act;
 - (e) states whether or not any matter has come to the independent examiner's attention in connection with the examination which gives him or her reasonable cause to believe that in any material respect—
 - (i) accounting records have not been kept in respect of the parish in accordance with the Act; or
 - (ii) the accounts do not accord with those records; or
 - (iii) the accounts do not comply with any of the requirements of section 42(2), other than any requirement to give a true and fair view;
 - (f) states whether or not any matter has come to the independent examiner's attention in connection with the examination to which, in his or her opinion, attention should be drawn in the accounts in order to enable a proper understanding of the accounts to be reached;
 - (g) contains a statement as to any of the following matters that has become apparent to the independent examiner during the course of the examination:
 - (i) that a matter of material significance has arisen;

- (ii) that any information or explanation to which the independent examiner is entitled under this Act has not been made available to him or her.

48 Access and information

- (1) An auditor or independent examiner carrying out an audit, review or examination has a right of access to any books, documents and other records (however kept) which relate to the parish and which the auditor or independent examiner considers it necessary to inspect for the purpose of carrying out the audit, review or examination.
- (2) An auditor or independent examiner may require such information and explanations from past or present parish officers or clergy of the parish as he or she considers it necessary to obtain for the purposes of carrying out the audit, review or examination.

49 Meaning of material significance

For the purposes of this Division, a *matter of material significance* will have arisen if the person is aware of circumstances that the person has reasonable grounds to suspect may amount to—

- (a) a failure in a significant respect of any of the treasurer, the churchwardens or the parish council to comply with a provision of this Act;
- (b) dishonesty or fraud involving a loss of parish funds or a risk of loss of parish funds; or
- (c) a breach in a significant respect of the terms of any special trust to which property enjoyed by the parish is subject.

50 Accounts to be dealt with by annual meeting

- (1) The annual meeting may receive and adopt the accounts or may refer them back to the churchwardens and auditors or the independent examiner for further report and information and may adjourn the annual meeting for the purpose of considering them further.
- (2) Despite any other provision in this Act or in a rule for meetings and officers, if the churchwardens do not as required by section 42(4)(c) at the annual meeting of a parish have the accounts and the certificate of the auditors or the independent examiner printed and made available in printed form to the parishioners attending that annual meeting, the person chairing that meeting must, when all the other business of the meeting has been concluded, adjourn the meeting to a date not later than the end of February next following, for the purpose of considering at that meeting so adjourned the accounts so certified.

51 Registrar's request for further information

- (1) The Registrar may refer the accounts back to the churchwardens and the auditors or independent examiner for further information.
- (2) If the accounts are referred back under this section, the churchwardens and the auditors or independent examiner who were in office at the time of the previous annual meeting must supply the information.

52 Audit by Registrar

If it appears to the Registrar on reasonable grounds that the churchwardens or the auditors or independent examiner have not complied with section 42(4) or section 51 the Registrar may cause an audit to be undertaken of the accounts for that

year.

Division 7 — Registers, records and other documents

53 Registers and records

- (1) The vicar must keep or cause to be kept and have the custody and control of the registers and records relating to:
 - (a) baptisms;
 - (b) persons prepared and presented for confirmation;
 - (c) marriages solemnised;
 - (d) funerals, memorial services, burials and interments of ashes;
 - (e) public worship.
- (2) The registers and records must be in the prescribed form and clearly show the prescribed particulars.
- (3) The churchwardens must provide the vicar with the necessary books and with a safe place to store them.
- (4) The registers and records are the property of the parish and not of the vicar by whom they were compiled.

subs 53(5) subs Act no. 4/2023

- (5) On ceasing to be the clerk licensed as the vicar or intentional interim vicar of a parish or on being suspended, a clerk must surrender all the registers and records under their control to the churchwardens, who must give to the clerk a written receipt for them.

subs 53(6) am Act no. 4/2023

- (6) The churchwardens must hand to an incoming vicar the registers and records of the parish and the vicar must give the churchwardens a written receipt for them.

54 Inspecting the condition of books and records

- (1) The Archdeacon or Area Dean may inspect any books, registers, records or legal documents of a parish and report on their condition if required by the Archbishop to do so.
- (2) Any information in a register or record of an act of public worship is open to public inspection if that information was available to a person attending that act of public worship.

Division 8 — Periodic parish reviews

s 55 am Acts nos. 5/2016, 1/2022, 4/2023

55 Periodic review

- (1) A parish may with the consent of the parish council and the agreement of the Archbishop on the recommendation of the Registrar and the relevant Archdeacon (or, in the case of a parish the vicar of which is the Archdeacon, the relevant assistant bishop) conduct a periodic review in accordance with this section.
- (2) The purpose of a periodic review is to generate information based on common criteria regarding the health and potential for the church in the diocese, and to assist the Archbishop in Council, Archdeacons and the parish itself in understanding and planning for the future. The scope of the review must include the effectiveness of the governance of the parish.
- (3) The parish council must collect the data prescribed by Archbishop in Council for use in all periodic reviews of parishes. The data may include statistical and quantitative data, and information gathered from parish officers and parishioners.

- (4) The data is to be assessed by an external reviewer and made the basis of a report to the parish and to the assistant bishop.
- (5) Within three months of the completion of the report, the report must be presented to and discussed at a special meeting of the parish called for the purpose which is chaired by the Archdeacon (or, in the case of a parish of which the Archdeacon is the vicar, the assistant bishop or some other Archdeacon nominated by the Archbishop or the assistant bishop) and at which the external reviewer is present and able to speak.
- (6) The external reviewer is a person appointed by the Registrar after consultation with the Archdeacon (or, in the case of a parish of which the Archdeacon is the vicar, with the Archbishop or the assistant bishop) from a panel approved by the Archbishop in Council.

Part 6 — Parish co-operation

Division 1 —Introduction

56 Possible co-operative arrangements

- (1) Two or more parishes may enter into co-operative arrangements in accordance with this Part.
- (2) Division 2 is concerned with co-operative arrangements that involve the sharing of property, ministry or governance.
- (3) Division 3 is concerned with co-operative arrangements that involve the use of shared resources.

Division 2—Shared property, ministry or governance

57 Co-operative agreement

- (1) Two or more parishes may enter into an arrangement by which, while retaining their legal status as parishes, they share responsibility for and access to one or more of ministry, mission and property, and put in place the joint governance to the necessary extent.

subs (2) am Act no. 1/2022

- (2) Before an arrangement is entered into a statutory parish meeting of each parish and the Archbishop in Council must approve a written agreement, to be signed by the churchwardens of each parish, that sets out, insofar as any of these matters is within the scope of a parish and subject to sub-section (3):
 - (a) the motivation for the parish;
 - (b) the outcomes sought from the parish;
 - (c) how it will be evaluated;

- (d) the specific arrangements and agreed expectations regarding:
 - (i) governance and leadership roles;
 - (ii) voting rights and election processes;
 - (iii) the shared use of and access to property;
 - (iv) the application of income derived from the use of property,
 - (v) the maintenance of property and any associated costs;
 - (vi) responsibility for insurance and risk management in relation to shared resources;
 - (vii) making appointments and the supervision of staff and contractors;
 - (viii) financial arrangements;
 - (ix) reporting and the sharing of information;
 - (x) the times and mode of public worship services;
 - (xi) parish ministers, including how they are to be appointed, supervised, evaluated and replaced;
 - (xii) appointing, supervising, evaluating and replacing other paid and unpaid staff.
 - (xiii) what is to happen if one parish fails to adhere to the agreement;
 - (xiv) how disputes are to be resolved;
 - (xv) how the arrangement is to be reviewed and can be terminated;
- (e) a provision that the agreement is terminated automatically on the expiration of 10 years from the date it was last made unless it is renewed with the

consent of a statutory parish meeting of each parish and the Archbishop in Council.

- (3) A term in an agreement that alters or modifies the operation of this Act or any other Diocesan legislation as it applies to one or more of the parishes who are parties to it has effect only if the term is set out in a schedule separately approved by the Archbishop in Council.

subss (3A) and (3B) ins Act no. 1/2022

- (3A) Where under an agreement there is to be a vicar of more than one parish that is a party to the agreement, the agreement must state what is to be the composition of the parish nominations committee and the appointment continuation review committee (within the meaning of the **Clergy Act 2022**) for those parishes.

- (3B) The Archbishop in Council may not delegate the approval of a provision of an agreement referred to in subsection (3A).

- (4) Once approved and in place, an agreement must be lodged with the Diocesan registry.

s 58 am Act no. 1/2022

58 Ministry areas

- (1) A co-operative agreement under section 57 may provide that the parishes come together as a ministry area.
- (2) A co-operative agreement to establish a ministry area, in addition to satisfying the requirements of section 57—
- (a) may provide for a ministry team in the parish or parishes concerned that includes chaplains and other persons licensed by the Archbishop to special ministries within those parishes;
- (b) may provide for a priest to be designated by the Archbishop to be the leader of ministry within the

ministry area, while maintaining the rights and responsibilities of any vicar in any of the parishes concerned;

- (c) may provide for a priest who is the leader of ministry to share in the oversight of the parish congregations in the ministry area with the Archbishop, the assistant bishop and each vicar in that ministry area;
- (d) may provide that the responsibilities of the members of the ministry team would be those agreed amongst the assistant bishop (or, if the Archbishop so determines, the Archbishop), the members of the ministry team and each parish council concerned; and
- (e) may provide for a ministry area constitution that establishes a ministry area council.

59 Licensing of a clerk to more than one parish

- (1) Despite any law, rule or practice of the church to the contrary (other than a law of the Anglican Church of Australia), but subject to this section, where there is in place a co-operative arrangement between parishes in accordance with this Division, the Archbishop may license or appoint a clerk to be the vicar in more than one of those parishes.
- (2) A clerk licensed or appointed as the vicar in more than one parish is entitled to a stipend only in respect of one of those parishes.

Division 3—Shared resources

60 Arrangements for the sharing of resources

- (1) Two or more parishes may enter into an arrangement for

jointly sourcing goods or services or for cooperative activity in the ministry and mission of the church.

- (2) An arrangement referred to in sub-section (1) must be set out in a written agreement, approved by the parish council of each parish concerned and by the Archbishop in Council and signed by the churchwardens of each parish concerned, covering:
 - (a) the motivation for the parish and the outcomes sought;
 - (b) how the arrangement will be evaluated;
 - (c) the specific arrangements and agreed expectations regarding:
 - (i) governance and leadership roles;
 - (ii) financial arrangements, including how profits and losses are to be allocated;
 - (iii) responsibility for insurance and risk management in relation to shared resources;
 - (iv) appointing and supervising service providers;
 - (v) reporting and the sharing of information;
 - (vi) what is to happen if a parish fails to adhere to the agreement;
 - (vii) how disputes are to be resolved;
 - (viii) how the arrangement is to be reviewed and can be terminated;
 - (d) the automatic termination of the agreement on the expiration of five years from the date it was last made unless it is renewed by the churchwardens of the parishes concerned.
- (3) A term in an agreement that alters or modifies the operation of this Act or any other Diocesan legislation as

it applies to one or more of the parishes who are parties to it has effect only if the term is set out in a schedule separately approved by the Archbishop in Council.

- (4) An agreement under this section must be lodged with the Diocesan registry.

Part 7 — Special circumstances

Division 1—Supported parishes

s 61 am Act no 1/2022

61 Designation as a supported parish

- (1) Where the Archbishop in Council considers that—
 - (a) it is necessary for the advancement of the church that a parish be established or retained in a particular geographic area, and
 - (b) it is unrealistic to expect that the resources required to maintain a viable parish and to discharge the functions and responsibilities imposed by this Act and by other laws can be found within that parish—it may designate the parish a supported parish.
- (2) Except where a parish is designated a supported parish at the time when it is established under section 6 or the Archbishop in Council is acting in accordance with a provision in Division 3 of Part 7, before a parish is designated a supported parish the Archbishop in Council must consult the vicar and the parish council and a statutory parish meeting must agree to the designation.
- (3) In relation to a supported parish, by written agreement to which the parties are the Archbishop, the relevant assistant bishop or the relevant Archdeacon, the Registrar and the churchwardens of the parish—
 - (a) the Registrar may assume any or all of the responsibilities of the parish council, churchwardens, treasurer or parish secretary contained in this Act or the parish rules for meetings and officers; and
 - (b) the requirements of this and any other Diocesan

legislation in relation to meetings and elections may be altered, while preserving as far as possible the right of parishioners to participate in making decisions relating to the life of the parish.

s 61(4) and (5) rep Act no. 6/2023

* * * * *

- (6) The written agreement referred to in sub-section (3) must be signed by the parties and state—
- (a) the expectations of the parties for the parish and for the arrangement;
 - (b) the key performance indicators for the arrangement and how it will be evaluated;
 - (c) the specific arrangements and agreed expectations regarding—
 - (i) the application of all applicable laws and Diocesan legislation, including the provisions of this Act;
 - (ii) governance and leadership roles;
 - (iii) financial arrangements, including how profits and losses are to be allocated;
 - (iv) responsibility for insurance and risk management; and
 - (v) reporting and the sharing of information;
 - (d) what is to happen if any party fails to adhere to the agreement;
 - (e) what is to happen if a person appointed to perform any functions under this legislation given to a parish officer fails to perform the function satisfactorily;
 - (f) how the arrangement may be reviewed and terminated;

- (g) how disputes are to be resolved; and
 - (h) a provision that the agreement is terminated automatically on the expiration of five years from the date it was last made unless it is renewed by the parties referred to in sub-section (3).
- (7) A term in an agreement that alters or modifies the operation of this Act or any other Diocesan legislation as it applies to one or more of the parties to it has effect only if the term is set out in a schedule separately approved by the Archbishop in Council.

Division 2—Diocesan review and Diocesan management

s 62 am Act nos. 5/2016, 1/2022

62 Diocesan review

- (1) The Archbishop in Council, on the written recommendation of any two of—
- (a) the Archbishop;
 - (b) the relevant assistant bishop;
 - (c) the relevant Archdeacon;
 - (d) the Registrar—
- may direct and authorize the Registrar to examine the records and affairs of a parish and report to the Archbishop in Council and the churchwardens.
- (2) The vicar and the parish officers must give to the Registrar or anyone appointed by the Registrar for the purpose of assisting in the examination, immediately on being requested to do so, access to and, if so requested, copies of any books, registers, accounts, bank statements, minutes (together if necessary with any signatures, codes or passwords necessary to read them) that the vicar or parish officer is by virtue of any Act of the Diocese or

any law of the Commonwealth of Australia or State of Victoria, required to bring into being and retain.

63 Appointment of Diocesan manager

- (1) The Registrar may apply to Archbishop in Council for the appointment of a Diocesan manager to conduct the affairs of a parish.
- (2) On an application under subsection (1), the Archbishop in Council may resolve to appoint a person as Diocesan manager of the parish subject to the terms and conditions determined by the Archbishop in Council.

subsecs (2A) and (2B) ins Act no. 1/2022

- (2A) The number of members of the Archbishop in Council voting in favour of a resolution under subsection (2) is—
 - (a) if the resolution is considered at a meeting in person of the Archbishop in Council, at least the total number of members present at the meeting less two; and
 - (b) if it is a written resolution, at least the total number of members able to sign or consent to the resolution under section 26(1) of the **Archbishop in Council Act 2018** less two.
- (2B) The Archbishop in Council may not delegate its powers under this section.
- (3) The resolution must specify—
 - (a) the date of appointment; and
 - (b) the appointee's name; and
 - (c) the appointee's business address.
- (4) If the appointee's name or business address changes, the appointee must immediately give written notice of the

change to the Registrar.

- (5) Before being appointed, the Diocesan manager must enter into a written agreement with the Registrar to be bound by the provisions of this Act and by the resolution and terms and conditions determined under sub-section (2).
- (6) The Archbishop in Council must not appoint a Diocesan manager unless the Registrar certifies that following an investigation or review pursuant to this Act into the affairs of the parish or the working and financial condition of the parish—
 - (a) there is a serious and continuing failure of governance, administration or legal compliance; and
 - (b) the appointment is in the interests of the parishioners, the Diocese or the Anglican Church.

s 64 am Act no. 5/2023

64 Effect of appointment of Diocesan manager

Subject to this section, during any time when there is Diocesan manager of a parish the parish officers may exercise the powers and perform the functions of their offices only to the extent permitted in writing by the Diocesan manager.

65 Powers of Diocesan manager

- (1) A Diocesan manager of a parish has control of, and may manage, the property and affairs of the parish and, to the same extent as the churchwardens and parish council could have done but for the appointment of the Diocesan manager—
 - (a) may dispose of all or part of the property of the parish;
 - (b) may engage or discharge a person appointed under

section 29; and

- (c) may perform any function and exercise any power that could be performed or exercised by—
 - (i) the parish;
 - (ii) the parish council or vestry of the parish;
 - (iii) any parish officer; or
 - (iv) subject to sub-section (2), the parishioners.

s 65(1A) ins Act no. 5/2023

(1A) In the exercise of a power under this section and this Act in relation to any matter, a Diocesan manager must seek and have regard to the views of the parish officers who would (but for the appointment of the Diocesan manager) have responsibility in relation to that matter, but the Diocesan manager is not bound to act in conformity with those views.

s 65(2) subs Act no. 5/2023

- (2) This Act does not alter the entitlement of—
 - (a) the parishioners of a parish under Diocesan management to elect lay representatives and alternate lay representatives to the Synod under the **Synod Act 1972**; or
 - (b) a parish under Diocesan management to have parish officers appointed or elected under this Act.
- (3) To avoid doubt and without limiting sub-section (1)(c), the Diocesan manager may perform any function and exercise any power the parish or a parish officer has as trustee.
- (4) Where the Archbishop in Council has placed a parish under Diocesan management, the Archbishop may vary the licence of the vicar so as to suspend specified rights and functions of the vicar in relation to the governance

and administration of the parish.

subs (5) am Act no 1/2022

- (5) Sub-section (4) is in addition to and not in derogation of the rights and powers of the Archbishop in Division 2A of Part 7 of this Act or Division 4 of Part 5 of the **Clergy Act 2022**.

66 Revocation of appointment

- (1) A Diocesan manager of a parish holds office until the appointment is revoked.
- (2) A Diocesan manager's appointment is revoked if—
 - (a) on application by the Registrar, the Archbishop in Council resolves to revoke the appointment of a Diocesan manager from a specified date; or
 - (b) the parish is discontinued under Division 3.
- (3) Immediately on the revocation of a Diocesan manager's appointment, the Diocesan manager must submit to the Registrar a report showing how the Diocesan management was carried out.
- (4) For the purposes of preparing the report the Diocesan manager has access to the records and documents of the parish.
- (5) The Registrar may provide a copy of the report to the parish.
- (6) On submitting the report under subsection (3) and accounting fully in relation to the Diocesan management of the parish to the satisfaction of the Registrar, the Diocesan manager is released from any further duty to account in relation to the Diocesan management of the parish other than on account of fraud, dishonesty, negligence or wilful failure to comply with this Act or

the regulations.

- (7) Before revoking the appointment of a Diocesan manager of a parish, the Archbishop in Council must—
- (a) appoint another Diocesan manager; or
 - (b) be satisfied that the churchwardens and parish council have been elected in accordance with its parish rules for meetings and officers at a meeting convened by the Diocesan manager in accordance with those rules; or
 - (c) be satisfied that the Registrar has appointed churchwardens and a parish council under subsection (8).
- (8) The Registrar may appoint the churchwardens, parish council and members of the incumbency committee of a parish for which a Diocesan manager is appointed.
- (9) Parish officers elected or appointed in accordance with this section—
- (a) take office on revocation of the Diocesan manager's appointment; and
 - (b) hold office, subject to section 69, until the next annual meeting of the parish after that revocation.

67 Expenses of Diocesan management

The Archbishop in Council is authorized to pay out of church funds the fees of the Diocesan manager agreed at the time of their appointment and the expenses of and incidental to the conduct of a parish's affairs incurred by a Diocesan manager.

68 Liabilities arising from Diocesan management

- (1) If a parish incurs any loss because of any fraud, dishonesty, negligence or wilful failure to comply with

this Act or the regulations or the rules of the parish by a Diocesan manager, the Diocesan manager is liable for the loss.

- (2) A Diocesan manager is not liable for any loss that is not a loss to which subsection (1) applies but must account for the loss in a report given under section 66(3) or 69.

69 Diocesan manager to report to Registrar

- (1) On the receipt of a request from the Registrar, a Diocesan manager must, without delay, prepare and give to the Registrar a report showing how the Diocesan management is being carried out.
- (2) The Registrar may give a copy of the report to the parish.

s 70 am No. 2/2021

70 Additional powers of Registrar

- (1) If the Registrar appoints parish officers under section 66(8), the Registrar may, at the direction of the Archbishop in Council and by written notice given to the parish, specify—
- (a) a time during which this section is to apply in relation to the parish;
 - (b) the terms and conditions on which all or any of the parish officers hold office; and
 - (c) the parish rules for meetings and officers applicable to that parish.
- (2) While this section applies to a parish, the Registrar may at the direction of the Archbishop in Council—
- (a) from time to time remove and appoint parish officers;
 - (b) from time to time, vary, revoke or specify new terms and conditions in place of all or any of the

- terms and conditions specified under subsection (1)(b); and
- (c) amend all or any of the rules specified under subsection (1)(c) in a manner permitted by section 16(2).
- (3) The Registrar may, at the direction of the Archbishop in Council and by written notice given to the parish, extend the time for which this section is to apply in relation to the parish.
- (4) A rule for meetings and officers specified by the Registrar under this section as a rule of a parish—
- (a) is not to be altered except in the way set out in this section; and
- (b) if it is inconsistent with any other rule of the parish, prevails over the other rule, and the other rule is to the extent of the inconsistency invalid; and
- (c) is a rule of the parish for the purposes of this Act.

Division 2A ins Act no 1/2022

Division 2A – Irretrievable breakdown in pastoral relationships

70A Interpretation

- (1) In this Division *board of enquiry* means the board established by section 70D.
- (2) For the purposes of this Division, a person is a *disqualified person* if they are—
- (a) the Archbishop;
- (b) a member of the Council of the Diocese;
- (c) a person entitled to be present at a meeting of the Archbishop in Council;
- (d) a member of the Appellate Tribunal;

- (e) a member of the Diocesan Tribunal or a Board of Reference under the Diocesan Tribunal Act 2021;
- (f) the Director of Professional Standards, or a member of the Professional Standards Committee, the Professional Standards Board or the Professional Standards Review Board;
- (g) a member of the Parish Disputes Mediation Panel established by this Act;
- (h) a director or executive officer of the Diocesan Corporation;
- (i) declared by any competent Court incapable of managing their affairs;
- (j) convicted by any Court of any offence punishable by imprisonment;
- (k) a clerk who does not hold a clearance for ministry;
- (l) a person against whom a charge has been laid under the Diocesan Tribunal Act 2021 when the charge has not been withdrawn or dismissed, or who is the subject of a complaint under the Professional Standards Uniform Act 2016 (Diocese of Melbourne); or
- (m) a person who has been any of the persons referred to in paragraphs (a) to (h) in the preceding two years.

70B Archbishop may establish enquiry

- (1) Subject to this section, the Archbishop may establish an enquiry into the pastoral relationships in a parish.
- (2) The Archbishop may establish an enquiry under this section only on the recommendation of—
 - (a) the assistant bishop;

- (b) not less than two-thirds of the lay members of the parish council; or
 - (c) the Professional Standards Committee.
- (3) The Archbishop may establish an enquiry under this section only if satisfied that—
- (a) there is credible evidence of a breakdown in the pastoral relationships in the parish; and
 - (b) all the available processes, formal or informal, for external advice and support, mediation and dispute resolution have been attempted, have not adequately resolved the situation, and are not likely to resolve the situation if further undertaken.

70C Report before enquiry established

- (1) Before establishing an enquiry, the Archbishop must appoint to report to the Archbishop on the matters referred to in section 70B(3) a person who is not—
- (a) a disqualified person;
 - (b) a person who has had a role in any process referred to in section 70B(3)(b) in relation to that parish;
 - (c) a person who has had any role in supervising, mentoring, counselling, guiding or evaluating any clerk in the parish; or
 - (d) a member of the board of enquiry.
- (2) The person appointed to report for the purposes of subsection (1) has an overriding obligation to discover and consider fairly and dispassionately the key facts, circumstances and views relevant to establishing the matters referred to in section 70B(3).
- (3) The person appointed to report for the purposes of subsection (1) must—

- (a) if they are willing to be interviewed, interview; and
 - (b) if they are not willing to be interviewed but are willing to offer written comments, seek and consider written comments from—
each of—
 - (c) the vicar;
 - (d) other parish ministers;
 - (e) any other clergy regularly worshipping in the parish;
 - (f) the churchwardens; and
 - (g) anyone else associated with the parish and identified for this purpose by a person listed in paragraphs (c) to (f).
- (4) The report must set out everything that has already been done to resolve the situation, the views of those interviewed or providing written comments under subsection (3) regarding the respects in which what has been done has succeeded and the respects in which what has been done has failed and why, and what else (if anything) should be attempted and how it might succeed.
- (5) The report to the Archbishop is confidential to the Archbishop, but may be provided by the Archbishop to the board of enquiry.
- (6) At the time of providing the report to the Archbishop the person reporting must provide to the Registrar all documents discovered, used or produced under this section, and the Registrar must retain permanently and securely all those documents.
- (7) A report provided to the Archbishop under subsection (5) and a document retained by the Registrar under

subsection (6) must not be made available to anyone for a period of 30 years from the date when it was provided to the Registrar unless it is necessary to do so under the laws of the Commonwealth or a State or Territory, or for the purposes of any Canon of this Church or Act of this Synod.

70D Constitution of board of enquiry

- (1) There is established a board of enquiry.
- (2) The board of enquiry comprises—
 - (a) a chair appointed by the Archbishop in Council at its second meeting following the first ordinary session of each Synod; and
 - (b) one clerk and one lay person elected by the Synod at the first ordinary session of each Synod.
- (3) The members of the board of enquiry when it has commenced an enquiry under this Part remain in office for the purposes of completing that enquiry until that enquiry is completed.
- (4) A person who is at any time a disqualified person ceases to be a member of the board of enquiry.
- (5) A casual vacancy in a position referred to in subsection (2)(b) may be filled until the next ordinary session of Synod by the Archbishop in Council and must be filled at that session by the Synod.

70E Procedure of board of enquiry

- (1) A quorum of the board of enquiry is 2 members.
- (2) Subject to this Part, the procedure of the board is in its discretion.

70F Enquiry by Board of Reference

- (1) When the Archbishop has established an enquiry under section 70B, the board of enquiry must determine whether there is a breakdown in pastoral relationships in the parish and, if it finds that there is such a breakdown, whether it is an irretrievable breakdown.
- (2) The vicar, churchwardens, parish secretary, other parish ministers in the parish holding a clergy authorization, and any authorised stipendiary lay minister must make available to the board, insofar as it is available to them, the minutes of statutory parish meetings, minutes of meetings of the parish council and any vestry in the parish, and all correspondence sent and received by any of them by virtue of their role, office or position in the parish.
- (3) The board of enquiry must seek evidence from the vicar, churchwardens, members of the parish council, members of any vestry, parish ministers holding a clergy authorization, any authorised stipendiary lay minister and any other parishioner or person who habitually worships in the parish regarding the subject matter of its enquiry.
- (4) Where the board of enquiry considers that it may make a finding that any person has contributed to a breakdown in pastoral relationships in the parish, it must before making that finding inform that person of the possible finding and provide to that person the opportunity to respond to it.
- (5) A person responding under subsection (4) in person to a possible finding is entitled to be accompanied by a person of their choice.

70G Referral to Professional Standards Committee

Where an enquiry has been established on a recommendation made under section 70B(2)(a) or 70B(2)(b), the board of enquiry may at any time determine that it should not proceed further and that matters be referred to the Professional Standards Committee to be dealt with under the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**.

70H Determination by board of enquiry

- (1) The board of enquiry must report to the Archbishop.
- (2) The report must state whether in the board's opinion a breakdown has occurred in pastoral relationships in the parish that is irretrievable.
- (3) Where the report states that in the board's opinion a breakdown has occurred in pastoral relationships in the parish that is irretrievable, the report must further state whether significant responsibility for that breakdown lies with—
 - (a) the vicar;
 - (b) some other clerk in the parish holding a clergy authorization;
 - (c) some other clerk in the parish other than a clerk referred to in paragraphs (a) or (b);
 - (d) an authorised stipendiary lay minister with a lay authorization for that parish;
 - (e) a parish officer;
 - (f) a person holding a role, office or position in the parish; or
 - (g) some other parishioner.

- (4) Where the board of enquiry states that significant responsibility for that breakdown lies with a person referred to in subsection (3), it must further report on what action referred to in section 70I should be taken in relation to that person.
- (5) A report by the board of enquiry that the Archbishop should take an action referred to in section 70I(1)(a) or that the Archbishop in Council should take an action referred to in subsections (3)(b), 3(c) or 4(b) of section 70I must be supported by all the members of the board of enquiry.
- (6) If the board advises that in its opinion there is not an irretrievable breakdown in pastoral relationships in a parish, the Archbishop must initiate a course of action to restore pastoral relationships in the parish.

70I Action following report of irretrievable breakdown

- (1) Where the report of a board of enquiry states that significant responsibility for an irretrievable breakdown in pastoral relationships lies with the vicar, another clerk in the parish holding a clergy authorization, or an authorised stipendiary lay minister the Archbishop may, subject to this section—
 - (a) revoke the licence or other clergy authorization or lay authorization of that clerk or minister;
 - (b) rebuke the clerk or minister;
 - (c) admonish the clerk or minister;
 - (d) direct the clerk or minister to function under the direction of the assistant bishop, archdeacon or other clerk appointed by the Archbishop; or
 - (e) direct the clerk or minister to perform the duties and responsibilities of the office in a manner specified

by the Archbishop.

- (2) Where the report of the board of enquiry states that significant responsibility for an irretrievable breakdown in pastoral relationships lies with a clerk in the parish who does not hold a clergy authorization, the Archbishop may—
- (a) rebuke the clerk or minister;
 - (b) admonish the clerk or minister;
 - (c) direct the clerk to enter into a written agreement with the vicar and the assistant bishop regarding their future participation in the life of the parish.
- (3) Where the report of a board of enquiry states that significant responsibility for an irretrievable breakdown in pastoral relationships lies with a parish officer or a person holding a role, office or position in the parish, the Archbishop in Council may—
- (a) admonish the person;
 - (b) rebuke the person;
 - (c) remove the person from one or more offices that they hold in the parish;
 - (d) determine that the person is not to hold any office or one or more particular offices within the parish for a period that it determines, not exceeding five years;
 - (e) determine that the person may hold any office or one or more particular offices within the parish only after entering into a written undertaking in the terms decided by the Archbishop in Council; or
 - (f) determine that for a stated period of time the person is a parishioner of concern.

Note: Section 70K provides for actions that may be taken in

relation to a parishioner of concern.

- (4) Where the report of the board of enquiry states that significant responsibility for an irretrievable breakdown in pastoral relationships lies with a parishioner who is not a parish officer or a person holding a role, office or position in the parish, the Archbishop in Council may—
- (a) admonish the person;
 - (b) rebuke the person;
 - (c) determine that the person is not to hold any office or one or more particular offices within the parish for a period that it determines, not exceeding five years;
 - (d) determine that the person may hold any office or one or more particular offices within the parish only after entering into a written undertaking in the terms decided by the Archbishop in Council; or
 - (e) determine that for a stated period of time the person is a parishioner of concern.

Note: Section 70K provides for actions that may be taken in relation to a parishioner of concern.

- (5) The Archbishop may take an action referred to in subsection (1)(a) only if that action was recommended in the report of the board of enquiry.
- (6) The Archbishop in Council may take an action referred to in subsections (3)(b), 3(c) or 4(b) only if that action was recommended in the report of the board of enquiry.
- (7) A determination made by the Archbishop or the Archbishop in Council under this section must be announced to the parishioners by the assistant bishop or the relevant archdeacon.

70J Actions where clergy authorization revoked

- (1) If the Archbishop revokes the clergy authorization of a clerk, or the lay authorization of an authorised stipendiary lay minister, the Archbishop may appoint a suitable person to negotiate with that person, or with a representative of that person, the provision to that person of financial, family, personal or other assistance.
- (2) The cost of assistance to a person under subsection (1)—
 - (a) must not exceed the sum of the remuneration, benefits and allowances paid to the person in respect of their role, office or position in the parish during the 12 months preceding that revocation; and
 - (b) subject to subsection (3), must be met as to one half by the parish and as to one half from funds made available for the purpose by the Archbishop in Council.
- (3) Despite subsection (2)(b), the Archbishop in Council may determine that it will meet the whole cost of the assistance provided under subsection (1).
- (4) The Archbishop in Council may determine that assistance with housing should be given to a person, in addition to the assistance given under subsection (1).
- (5) The cost of assistance with housing under subsection (4) shall be met from funds made available for the purpose by the Archbishop in Council.

70K Actions in relation to a parishioner of concern

- (1) Subject to this section, while a person is a parishioner of concern, they are under the direction of the relevant

archdeacon regarding anything they do within the parish.

- (2) The archdeacon may consult with the vicar or churchwardens regarding the parishioner of concern and the directions that are to be given.
- (3) The archdeacon may not give a direction to a parishioner of concern regarding a matter referred to in section 70I(3)(c), (d) or (e) or section 70I(4)(c) or (d).

70L Powers under this Division to prevail

A right or power conferred by sections 70I or 70K, and a decision or action taken in the exercise of a right or power conferred by sections 70I or 70K, has effect even if it is contrary to or inconsistent with a right, privilege or entitlement conferred by another provision of this Act or another Act of this Synod.

Division 3—Discontinuing a parish

71 The purpose of this Division

The purpose of this Division is to provide for a process by which the Archbishop in Council may for good cause designate a parish a parish under consideration and discontinue a parish under consideration in a manner that is orderly, constructive and respectful of parishioners and their faith community and that honours so far as reasonably possible those serving the mission of the Church in the parish.

s 72 am 5/2016, 1/2022, subsecs (3) and (4) ins 1/2022

72 Parishes under consideration

- (1) The Archbishop in Council, at the request of a parish by resolution of a statutory parish meeting or on the written recommendation of any two of—
 - (a) the Archbishop;

- (b) the relevant assistant bishop;
 - (c) the relevant Archdeacon;
 - (d) the Registrar—
may designate a parish a parish under consideration.
- (2) A decision under sub-section (1) must take into account, in addition to the recommendations made, the results of any periodic review under section 55 or Diocesan review under section 62 and any recent information regarding:
- (a) the number of parishioners;
 - (b) the number of baptisms;
 - (c) the income of the parish and the sources of that income (and in particular whether it is from the giving or fundraising activity of parishioners or from other sources);
 - (d) the solvency of a parish;
 - (e) whether the buildings and grounds are properly maintained;
 - (f) the parish's ability to pay its annual diocesan assessment;
 - (g) the ability of the parish to fill parish offices and other lay leadership positions;
 - (h) the mission of the parish;
 - (i) whether the parish has a Mission Action Plan and its adherence to and success in pursuing that plan;
 - (j) any other matters prescribed in a protocol made under this division.
- (3) The number of members of the Archbishop in Council voting in favour of a resolution to designate a parish a parish under consideration under subsection (1) is—
- (a) if the resolution is considered at a meeting in

person of the Archbishop in Council, at least the total number of members present at the meeting less two; and

- (b) if it is a written resolution, at least the total number of members able to sign or consent to the resolution under section 26(1) of the **Archbishop in Council Act 2018** less two.

- (4) The Archbishop in Council may not delegate its power under subsection (1).

s 73 am 5/2016

73 Protocol in relation to a parish under consideration

- (1) The Archbishop in Council may from time to time prescribe a protocol for the steps required to be taken for the purposes of this Division in relation to a parish under consideration.
- (2) Without limiting the generality of sub-section (1), the protocol may—
 - (a) outline a process leading to the designation of a parish as a parish under consideration;
 - (b) determine the criteria and indicators that a statutory parish meeting and the Archbishop in Council must have regard to in deciding whether the parish is to be discontinued;
 - (c) identify the information that is to be made available to the statutory parish meeting or the Archbishop in Council;
 - (d) determine a process for the appointment of a diocesan authority (with or without the power of delegation)—
 - (i) to have oversight of the implementation of the protocol in relation to the parish; and

- (ii) to make recommendations to the parish council, the parishioners or the Archbishop in Council as may be necessary or appropriate;
- (e) determine a process by which to determine—
 - (i) whether the parish can and should be merged with a neighbouring parish;
 - (ii) how, if the parish is merged or discontinued, the boundaries of the parish and of any neighbouring parishes should be altered so as to include the geographic area of the parish; and
 - (iii) how, if the parish is merged or discontinued, its property, assets and liabilities should be distributed, realized or disposed of—

and by which to consult with and establish formally the views of the parish officers and parishioners of all the neighbouring parishes regarding these matters; and
- (f) determine a process for the appointment of a consultant to the parish during the implementation of the protocol whose role will be to provide advice and pastoral support to the parish in relation to all matters relating to the future of the parish, in conjunction with the vicar and the diocesan authority nominated in accordance with the protocol.

74 Duties of the parish council

- (1) The parish council must within 60 days of the resolution of the Archbishop in Council under sub-section 72(1) set a period, not less than one year and not greater than three years, for the purposes of section 75.

- (2) The parish council may from time to time with the approval of the Archbishop in Council abridge or extend the period fixed under the preceding sub-section.
- (3) If the parish council has not within 60 days complied with sub-section (1), the Archbishop in Council must set the period and may from time to time abridge or extend the period fixed.
- (4) A period as abridged or extended under sub-section (2) or (3) may be less than one year or more than three years.
- (5) The parish council must carry out any steps required of it by a protocol prescribed under section 73.

75 Statutory parish meeting

- (1) The parish must convene a statutory parish meeting within four months of the end of the period set under section 74.
- (2) At the statutory parish meeting convened under sub-section (1) the parish must consider—
 - (a) a report by the appointed diocesan authority referred to in section 73(2)(d);
 - (b) any recommendation of the parish council; and
 - (c) any submissions by the vicar or any parishioner—
and vote on separate motions for the following questions—
 - (d) whether to petition the Archbishop in Council to discontinue the parish;
 - (e) whether to petition the Archbishop in Council to become a supported parish under section 60; and
 - (f) whether to petition the Archbishop in Council to determine that the parish is no longer a parish under

consideration.

- (3) A resolution to petition the Archbishop in Council to discontinue the parish must be carried by a majority of at least 75% of the total number of parishioners.

76 Decision by Archbishop in Council

- (1) Within three months of receiving a petition under section 75 to discontinue a parish, the Archbishop in Council must—
 - (a) discontinue the parish; or
 - (b) determine that the parish is no longer a parish under consideration and designate the parish a supported parish under section 61.
- (2) Subject to section 78, within three months of receiving a petition under section 75(2)(e) to determine that the parish is no longer a parish under consideration and designate the parish a supported parish under section 61, if the parish has not also petitioned the Archbishop to discontinue the parish under section 75, the Archbishop in Council—
 - (a) must determine that the parish is no longer a parish under consideration; and
 - (b) may designate the parish a supported parish under section 61.

77 Other circumstances for decision by the Archbishop in Council

- (1) If—
 - (a) the parish under consideration fails to hold the statutory parish meeting within five months of the end of the period set under section 74;
 - (b) the parish holds the statutory parish meeting at

which the separate motions referred to in section 75(2) are not put and voted on; or

- (c) at a statutory parish meeting under section 75 a motion to petition the Archbishop in Council to discontinue the parish is carried by a percentage of the total number of parishioners equal to or greater than 50% and less than 75% —

the Archbishop in Council must within three months—

- (d) discontinue the parish;
- (e) determine that the parish is no longer a parish under consideration and designate the parish a supported parish under section 61; or
- (f) determine that the parish is no longer a parish under consideration.

(2) If—

- (a) none of the circumstances in sub-section (1) has arisen; and
- (b) none of the motions referred to in section 75(2) has been carried or the only motion to be carried is the motion referred to in section 75(2)(f)—

the parish ceases to be a parish under consideration at the expiration of seven months after the period set under section 74.

78 Matters the Archbishop in Council must consider

In making a decision under sections 76 or 77, the Archbishop in Council must consider—

- (a) any petition from the parish;
- (b) a report by the appointed diocesan authority referred to in section 73(2)(d);
- (c) any recommendation of the parish council to the statutory

parish meeting; and

- (d) any written submission by the vicar, the parish council or a parishioner received by the Registrar.

79 Boundaries and assets on discontinuation of a parish

- (1) At the time of making a decision to discontinue a parish under sections 76 or 77, the Archbishop in Council must revoke the declaration given under section 6 and—
 - (a) merge the parish with a neighbouring parish;
 - (b) redefine the boundaries of one or more neighbouring parishes so that the whole of the geographic area of the former parish is within a parish; or
 - (c) both merge the parish with a neighbouring parish and alter the boundaries of one or more of the neighbouring parishes so that the whole of the geographic area of the former parish is within a parish.
- (2) At the time of making a decision to discontinue a parish under sections 76 or 77 and to merge the parish or redefine its boundaries under sub-section (1), the Archbishop in Council must—
 - (a) specify the date from which the parish is discontinued;
 - (b) decide how the property, assets and liabilities of the discontinued parish are to be distributed, realized and disposed of; and
 - (c) determine such other matters, and make such other provisions, as seem necessary in relation to the accounts, records and other affairs of the parish.
- (3) In deciding or determining any matter under sub-section

(2), the Archbishop in Council must take account of any recommendation by—

- (a) the consultant;
- (b) a statutory parish meeting of the parish; or
- (c) the parish council—

and must make its decision or determination—

- (d) having regard to the legal rights of any person under section 37(8); and
- (e) in a way that—
 - (i) is pastorally sensitive; and
 - (ii) honours, so far as is reasonably possible, those who have given to the parish in the past and the basis on which what they have given has been received.

Part 8 — Resolution of disputes

80 Definition

In this Part—

parish decision means, in relation to a decision, action or function that is not spiritual—

- (a) a decision or action by a diocesan authority under a provision in this Act (including sections 81 and 82); and
- (b) a failure or alleged failure by a diocesan authority—
 - (i) to follow a process provided for in this Act;
 - (ii) to honour a commitment to a parish on which significant reliance has been placed by the parish; or
 - (iii) to adhere to the rules of natural justice in making a decision or deciding on a course of action.

81 Irregularities in parish governance

- (1) If the vicar or a parish officer fails or allegedly fails to follow a requirement or process in this Act or a parish's parish rules for meetings and officers, the Archbishop in Council may take whatever steps it deems necessary and appropriate to correct or overcome the consequences of that failure or alleged failure.
- (2) The steps that the Archbishop in Council may take include, but are not limited to—
 - (a) holding a meeting, conducting an election or making an appointment;
 - (b) extending the time (whether or not it has expired) within which an act may be done;
 - (c) declaring any decision, action, process or appointment valid despite any irregularity or

- omission;
- (d) appointing a person to conduct an election or do any other thing;
 - (e) appointing sufficiently qualified persons to constitute a parish council until the churchwardens and members of a parish council have been elected or appointed under the parish's parish rules for meetings and officers;
 - (f) annulling any previous election, appointment, action or decision, but only to the extent necessary to enable the consequences of the original failure to be overcome or corrected.
- (3) The Archbishop in Council may settle and determine all doubts and disputes which may arise with reference to—
- (a) the election of any parish officer;
 - (b) the transaction of business by parish officers—
- and may from time to time make or alter regulations, not inconsistent with this Act and with a parish's parish rules for meetings and officers, for the conducting of elections and transaction of business and may also settle and determine all doubts and disputes in relation to those matters.

82 Grievances relating to the parish electoral roll and election of Synod representatives

- (1) A person aggrieved by—
 - (a) any enrolment or refusal of enrolment on the roll of a parish; or
 - (b) the removal of any name or the refusal to remove any name from the roll of a parish; or
 - (c) the allowance or disallowance of any vote given or

tendered as a result of grievance in relation to any such enrolment, removal or refusal—

may within 14 days of the person first becoming aware of the facts or circumstances giving rise to the grievance appeal in writing to the Archbishop in Council.

- (2) The Archbishop in Council may appoint a person to gather such evidence and material as is necessary for it to consider and decide the appeal.
- (3) The decision of the Archbishop in Council on an appeal is final.
- (4) The Archbishop in Council may extend the time within which an appeal may be given under this section.
- (5) Every appeal in respect of an election held under the Synod Act 1972 for the election of lay representatives or alternative lay representatives must be determined by the Election Committee established under that Act.

s 83 am No. 2/2021, 1/2022

83 Parish Disputes Mediation Panel

- (1) There is established a Parish Disputes Mediation Panel.
- (2) The panel comprises between 5 and 8 persons appointed by the Archbishop in Council for a period of 4 years who—
 - (a) are members of a Christian denomination;
 - (b) have qualifications and experience in mediation and alternative dispute resolution; and
 - (c) have not at the time of their appointment been in the preceding 3 years within the Diocese—
 - (i) a member of the Archbishop in Council of the Diocese;

* * * * *

- (iii) an Archbishop, assistant bishop, Archdeacon or area dean; or
- (iv) Chancellor, Deputy Chancellor, or Advocate; or
- (v) the Registrar or a member of the Diocesan staff.

s 84 am No. 2/2021

84 Mediation

- (1) A parish officer may make a complaint in relation to a parish decision (other than a parish decision under sections 76 or 77).
- (2) A complaint under sub-section (1) must in the first instance be given in writing to the Registrar.
- (3) On receiving a complaint under sub-section (1) the Registrar must refer it to the member of the Parish Disputes Mediation Panel next in line by rotation.
- (4) The mediator must attempt to resolve the complaint within 60 days.

85 Provisions in support of this Part

- (1) The Diocese must provide the funds and facilities necessary for the work of the Parish Disputes Mediation Panel.
- (2) So far as is possible the Parish Disputes Mediation Panel will be supported by the Registry of the Diocese. The Registrar must ensure that this support is entirely separate from any function of the Registry concerned with the participation of the Diocese and its authorities and agents in any mediation.

Part 9 — General

86 Extent of liability of parish officers and others

- (1) In this section, a reference to this Act is a reference to this Act or the regulations made under it or the applicable parish rules.
- (2) To the extent permitted by law, a diocesan authority, vicar, parish officer or treasurer shall not be personally liable for any loss occasioned by the exercise of any discretion or power conferred on that person under this Act or by that person's failure to comply with any duty responsibility or obligation under this Act other than a loss attributable to that person's—
 - (a) fraud or dishonesty; or
 - (b) wilful failure to comply with this Act or other wilful misconduct.

s 87 am 2/2019 s 3, 3/2022 s 7

87 Regulations

- (1) The Archbishop in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Without limiting subsection (1), the Archbishop in Council may make regulations for or with respect to—
 - (a) sections 33(6) and 72(1);
 - (aa) statutory parish meetings and elections where the meetings and elections are to be held wholly or partially by videoconference and teleconference;
 - (b) any matter that may be prescribed under section 21(1), 30, 31(1), 32(1), 34(2), 34(7), 36(3), 37(8), 43(1), 45(1), 47(1), 52(2), 55(3) and 73(2));

- (c) the matters to be addressed by a statutory parish meeting held for the purposes of Parts 6 or 7; and
 - (d) any forms required by Division 1 of Part 4.
- (3) Regulations made under this Act may—
- (a) be of general or limited application;
 - (b) differ according to differences in time, place or circumstance;
 - (c) confer a discretionary authority or impose a duty on a specified person or body or a specified class of person or body.
- (4) The power to make regulations includes the power to amend or revoke them.

s 88 repealed 10/2022

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Schedule 1 — Parish rules for meetings and officers *

Note: Under section 16(2) of the **Parish Governance Act 2013**, a statutory parish meeting may adopt modified parish rules for meetings and officers only to the extent that the text is permitted text in this Schedule and the permitted text is used in conformity with the instructions relating to that text in this Schedule.

Parish rules for Meetings and Officers applying to the Parish by virtue of Division 2 of Part 4 of the Parish Governance Act 2013

1. Definition

1.1 In these rules—

the Act means the **Parish Governance Act 2013**;

member of the immediate family of an individual means a person who is—

- (a) a parent, child or sibling of the individual;
- (b) a spouse or domestic partner of the individual; or
- (c) a relative of the individual and a member of the individual's household.

1.2 Words and expressions in these rules have the same meaning as in the Act.

1A Convening statutory parish meetings

1A.1 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.

1A.2 If a statutory parish meeting is convened either wholly or partly by videoconference or teleconference under rule 1A.1, an election due to be held at that meeting may be held electronically.

1A.3 A statutory parish meeting conducted wholly or partly by videoconference and teleconference and an election held electronically

* This Schedule has been amended by Acts no 4 of 2015, 2 of 2017, 1 of 2022, 3 of 2022, 5 of 2023

Parish Governance Act 2013

must comply with regulations made by the Archbishop in Council under section 87(2)(aa).

2. Notices of statutory parish meetings

- 2.1 The churchwardens must give parishioners at least 14 days' notice of any statutory parish meeting.
- 2.2 On receiving a notice of special meeting under rule 4.2, the churchwardens must fix a date and time for the meeting that is not less than 5 weeks or more than 8 weeks from the date of that notice, and immediately give notice of the meeting.
- 2.3 At a time when it becomes necessary to convene a special election meeting under rule 5, the churchwardens must fix a date and time for the meeting that is not less than 3 weeks or more than 6 weeks from that time and immediately give notice of the meeting.
- 2.4 Each notice of a statutory parish meeting must give the date, time and place of the meeting, and the business to be transacted at the meeting.
- 2.5 Notice of a statutory parish meeting must be displayed prominently on or near the main entrance to each worship centre and where necessary it must be given or distributed in other ways that are likely to inform parishioners of the meeting.

Addition to rule 2		
No.	Permitted text	Instructions
A.1	2.6 In addition to the requirements of rule 2.5— * notice of any statutory parish meeting,# * notice of nominations for election;# * proposed modified parish rules for meetings and officers;# * papers to be distributed at the meeting#— must be— * sent by post to all parishioners;¶ * posted on the parish website;¶ * posted on the parish website accessible only to parishioners;¶ * sent as an email attachment to all parishioners.¶	# -- select one or more ¶ - select one or more.

3. Annual meeting

- 3.1 The annual meeting must be held in October or November of each year on a date and at a time fixed by the parish council.
- 3.2 A notice of an annual meeting must state the time and date by which nominations for election are to be received by the vicar. The time and date fixed for the receipt of nominations must be—
- (a) at least 96 hours before the time fixed for the commencement of the annual meeting; and
 - (b) before the time of the first service held on the Sunday immediately preceding the meeting.

Alternative to rule 3.2 (second sentence)		
No.	Permitted text	Instructions
B.1	In place of "96 hours" insert "[X] days".	[X] must be a whole number between 5 and 10

- 3.3 All nominations for election must be displayed at or near the main entrance to the worship centre for at least 48 hours before the time fixed for the commencement of the annual meeting.

Alternative to rule 3.3		
No.	Permitted text	Instructions
C.1	In place of "48 hours" insert "[X] hours or [Y] days".	[X] or [Y] must be a whole number, and the period must be greater than 48 hours and less than the period in rule 3.2.

- 3.4 The business of the annual meeting is to include after prayers—
- (a) The minutes of the previous annual meeting and of any subsequent statutory parish meeting;
 - (b) The reception of the parish electoral roll;
 - (c) The annual report by the vicar that includes the entries in the registers of the Parish for the financial year, including numbers of baptisms, persons received into communicant membership, confirmations, marriages, funerals, Sunday services, acts of communion and such other statistics from

- the registers as Archbishop in Council determines;
- (d) An annual report on the proceedings of the parish council together with a report by the parish council on the pastoral care, evangelism, social and ecumenical programmes of the parish and on future plans for the parish;
 - (e) A report by the churchwardens on the fabric, goods and ornaments of the worship centre and other buildings of the parish together with a report on the state of repair and proper usage of the vicarage and other residential property of the parish;
 - (f) The audited or independently examined accounts and financial statements of the parish and any accompanying papers required by the Act;
 - (g) The budget approved by the parish council for the year in which the meeting is held;
 - (h) Reports by other parish groups;
 - (i) The election of churchwardens and members of the parish council;
 - (j) The election of an auditor or independent examiner;
 - (k) The election of lay representatives to the parish incumbency committee and of the incumbency committee reserve list;
 - (l) Any other matters of parochial or general church interest.

4. Special meetings

4.1 A special meeting is convened—

- (a) if the majority of the whole number of members of the parish council so decides;
- (b) at the request of at least two churchwardens; or
- (c) on the written request of at least 20 parishioners.

Alternative to rule 4.1(c)		
No.	Permitted text	Instructions
D.1	(c) on the written request of at least [X] parishioners.	X can be a percentage (eg,

		"25% of") or any whole number, but in either case the number required must be not less than 10 or greater than 1/3 rd the number of parishioners.
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- 4.2 A decision or request to convene a special meeting must be given in writing to the churchwardens, the vicar and the parish secretary and state the matters to be put to the meeting.
- 4.3 The business of a special meeting is to include only the matters referred to in the decision or request referred to in rule 4.2.

5. *Special election meetings*

- 5.1 A special election meeting is convened in the event that the number of lay members of the parish council falls to less than half the total number of elected and appointed members under rule 10.1.

Alternative to rule 5.1		
No.	Permitted text	Instructions
E.1	5.1 A special election is convened in the event that the number of lay members of the parish council falls to a number less than [X].	X must be a whole number equal to or greater than the number of elected and appointed members under rule 10.1.

- 5.2 The business of a special election meeting is to fill any casual vacancies in the positions of elected churchwardens or members of the parish council.
- 5.3 The provisions of rules 3.2 and 3.3 apply to the nomination of parishioners to fill casual vacancies at a special election meeting.

6. *Entitlement to be present and vote at statutory parish meetings*

- 6.1 A parishioner is entitled to be present and vote at a statutory parish meeting.
- 6.2 A clerk who regularly and habitually attends public worship in the

parish and a member of staff of the parish who is not a parishioner is entitled to be present at a statutory parish meeting and to speak by leave of the meeting, but not to vote.

- 6.3 A person other than a parishioner and a person referred to in rule 6.2 may not be present or speak at a statutory parish meeting except in each case by leave of the meeting.

7. Procedure at statutory parish meetings

- 7.1 The vicar presides at a statutory parish meeting and does not have a vote.
- 7.2 A question will be determined by the majority of the votes of the parishioners present and voting on the question, and in the event of an equality of votes a question is resolved in the negative.
- 7.3 A quorum at a statutory parish meeting of a parish is 10 parishioners or one fifth the number of parishioners on the parish electoral roll, whichever is greater.

Alternative to rule 7.3		
No.	Permitted text	Instructions
F.1	7.3 A quorum at a statutory parish meeting of a parish is [X] parishioners or one fifth the number of parishioners on the parish electoral roll, whichever is greater.	X must be greater than 10
F.2	7.3 A quorum at a statutory parish meeting of a parish is 10 parishioners or [<i>insert proportion</i>] the number of parishioners on the parish electoral roll, whichever is greater.	Proportion must be greater than one fifth
F.3	7.3 A quorum at a statutory parish meeting of a parish is [X] parishioners or [<i>insert proportion</i>] the number of parishioners on the parish electoral roll, whichever is greater.	X must be greater than 10 and the proportion must be greater than one fifth

- 7.4 If a quorum is not present within half an hour after the time fixed for the holding of a statutory parish meeting, or if during a meeting there is a call of the meeting and there is no quorum, the meeting lapses and a statutory parish meeting may be convened to consider such of the business as was not dealt with at the earlier meeting.
- 7.5 If a statutory parish meeting lapses before voting has been completed

for an election to be held at the meeting, the vicar must convene a further statutory parish meeting to hold the election.

8. Nominations for election

8.1 At the time when an annual meeting is called there must be a call for nominations for—

- (a) churchwardens;
- (b) elected members of the parish council; and
- (c) members of the incumbency committee and the incumbency committee reserve list.

8.2 Nominations must be in writing and signed by—

- (a) the person nominated;
- (b) the proposer; and
- (c) the seconder,

each of whom must be a parishioner and not a disqualified person.

8.3 If the person nominated is unable to sign the nomination, there may be a statement signed by the proposer and seconder to the effect that the person nominated has consented to the nomination.

8.4 Where there is no nomination for a position (including where the number of vacancies exceeds the number of nominations) there is a casual vacancy in that position.

9. Conduct of elections

9.1 If at the time of any election the number of candidates is not greater than the number of vacancies the candidates nominated shall be declared elected.

9.2 If an election is required it will be by secret ballot conducted by a returning officer appointed by the vicar.

9.3 If in an election there is an equality of votes requiring casting vote, the returning officer may at his or her discretion exercise a casting vote or determine the result by lot.

10. Parish council

10.1 The parish council consists of—

- (a) the vicar;

- (b) three churchwardens; and
- (c) 9 other persons, one-third nominated by the vicar and two-thirds elected by the parishioners.

Alternative to rule 10.1 (b) and (c)		
No.	Permitted text	Instructions
G.1	(b) three churchwardens; and (c) 3 other persons, one-third nominated by the vicar and two-thirds elected by the parishioners.	
G.2	(b) three churchwardens; and (c) 6 other persons, one-third nominated by the vicar and two-thirds elected by the parishioners.	
G.3	(b) three churchwardens; and (c) 12 other persons, one-third nominated by the vicar and two-thirds elected by the parishioners.	
G.4	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; and (d) 2 other persons, one nominated by the vicar and one elected by the parishioners.	Must not be used with option P.1 and option P.2 must be used
G.5	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; and (d) 5 other persons, two nominated by the vicar and three elected by the parishioners.	Must not be used with option P.1 and option P.2 must be used
G.6	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; and (d) 8 other persons, three nominated by the vicar and five elected by the parishioners.	Must not be used with option P.1 and option P.2 must be used
G.7	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; and (d) 11 other persons, four nominated by the vicar and seven elected by the parishioners.	Must not be used with option P.1 and option P.2 must be used
G.8	(b) three churchwardens; (c) the parish secretary, elected by the annual meeting; and (d) 2 other persons, one nominated by the vicar and one elected by the parishioners.	Must not be used with option Q.1 and option Q.2 must be used

Parish Governance Act 2013

G.9	(b) three churchwardens; (c) the parish secretary, elected by the annual meeting; and (d) 5 other persons, two nominated by the vicar and three elected by the parishioners.	Must not be used with option Q.1 and option Q.2 must be used
G.10	(b) three churchwardens; (c) the parish secretary, elected by the annual meeting; and (d) 8 other persons, three nominated by the vicar and five elected by the parishioners.	Must not be used with option Q.1 and option Q.2 must be used
G.11	(b) three churchwardens; (c) the parish secretary, elected by the annual meeting; and (d) 11 other persons, four nominated by the vicar and seven elected by the parishioners.	Must not be used with option Q1 and option Q.2 must be used
G.12	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; (d) the parish secretary, elected by the annual meeting; and (e) 1 other person nominated by the vicar.	Must not be used with options P.1 or Q.1 and options P.2 and Q.2 must be used
G.13	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; (d) the parish secretary, elected by the annual meeting; and (e) 4 other persons, two nominated by the vicar and two elected by the parishioners.	Must not be used with options P.1 or Q.1 and options P.2 and Q.2 must be used
G.14	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; (d) the parish secretary, elected by the annual meeting; and (e) 7 other persons, three nominated by the vicar and four elected by the parishioners.	Must not be used with options P.1 or Q.1 and options P.2 and Q.2 must be used
G.15	(b) three churchwardens; (c) the treasurer, elected by the annual meeting; (d) the parish secretary, elected by the annual meeting; and (e) 10 other persons, four nominated by the vicar and six elected by the parishioners.	Must not be used with options P.1 or Q.1 and options P.2 and Q.2 must be used

10.2 The parish council may co-opt a parishioner (other than a person who is not eligible for election or appointment under rule 13) to assist the

Parish Governance Act 2013

council for such a period (but not extending beyond the conclusion of the next parish annual meeting) as the council determines and such person shall have a right to attend and speak at but not vote at meetings of the Council.

Alternative to rule 10.2		
No.	Permitted text	Instructions
H.1	10.2 <i>Omitted</i>	This option must be used with options N.2 or N.3.

10.3 A parish minister or a stipendiary lay person appointed to the parish who is not otherwise a member of the council may attend and speak but not vote at meetings of the parish council.

Alternative to rule 10.3		
No.	Permitted text	Instructions
I.1	10.3 A parish minister, a stipendiary lay person appointed to the parish who is not otherwise a member of the council, and any of the following office holders (unless they are not eligible for election or appointment under rule 13): * [title of office or position] * [title of office or position] may attend and speak but not vote at meetings of the parish council.	Insert the title of each position -- eg, director of music, youth outreach coordinator.

10.4 The parish council may invite any person (whether or not a parishioner, but other than a person who is not eligible for election or appointment under rule 13.2) to attend and speak but not vote at a meeting of the council.

10.5 The vicar may not appoint a person to be a churchwarden or a member of the parish council without their prior consent.

Permitted rule 10.5		
No.	Permitted text	Instructions
J.1	10.5 Any parishioner may attend (but not speak except by invitation of the council) a meeting of the council other than a portion of the meeting that the council determines is closed	[text] to read rule 10.3 if option H.1 is used

	to people who are not members of the council or entitled to be present under [rules 10.2 and 10.3].	
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11. Quorum

11.1 A majority of the parish council constitutes the quorum.

Alternative to rule 11.1		
No.	Permitted text	Instructions
K.1	11.1 [X] members of the parish council constitutes a quorum.	[X] must be a whole number greater than half the number of members of the parish council

12. Term of office

12.1 A churchwarden or member of the parish council—

- (a) appointed by the vicar; or
- (b) appointed by the parish council or elected by a special election meeting—

holds office until the conclusion of the annual meeting next following that election or appointment.

12.2 A churchwarden elected at an annual meeting holds office until the conclusion of the annual meeting next following that election.

Alternative to rule 12.2		
No.	Permitted text	Instructions
L.1	12.2 A churchwarden elected at an annual meeting holds office until the conclusion of the second annual meeting following the election, but if two churchwardens are elected at the same annual meeting, one of them (determined by them jointly or, in the absence of agreement, by lot) must retire at the conclusion of the next annual meeting.	

12.3 A member of the parish council at an annual meeting holds office until the conclusion of the annual meeting next following that election.

Alternative to rule 12.3		
No.	Permitted text	Instructions
M.	<p>12.3 A member of the parish council (other than a churchwarden) elected at an annual meeting holds office until the conclusion of the second annual meeting following that election.</p> <p>12.4 If the number of members of the parish council (other than the churchwardens) elected at an annual meeting is greater than half the total number of elected members of the parish council (other than the churchwardens), so many of them (other than a treasurer or parish secretary so elected) as equals the difference between half the total number of elected members of the parish council (other than the churchwardens) and the number so elected (determined by them jointly or, in the absence of agreement, by lot) must retire at the conclusion of the next annual meeting.</p>	

13. Eligibility for election

- 13.1 A person is not eligible for election or appointment as a churchwarden or member of the parish council if the person is not a parishioner and communicant member.
- 13.2 Subject to rule 13.3, a person who has been for a continuous period of six years in any capacity a lay member of the parish council in the parish (including a person co-opted under rule 10.2) is not eligible for election or appointment as a churchwarden or member of the parish council, or to become a member of the parish council by election or appointment as a treasurer or parish secretary, at any time in the 12 months immediately following that six year period.

Alternative to rule 13.2		
No.	Permitted text	Instructions
N.1	<p>13.2 Subject to rule 13.3, a person who has been for a continuous period of [X] years in any capacity a lay member of the parish council in the parish (including a person co-opted under</p>	<p>(1) X cannot be greater than 6 and Y cannot be less than 12 and must be</p>

Parish Governance Act 2013

	rule 10.2) is not eligible for election or appointment as a churchwarden or member of the parish council, or to become a member of the parish council by election or appointment as a treasurer or parish secretary, at any time in the [Y] months immediately following that [X] year period.	divisible by 12. (2) If alternative 12.2.1 or 12.2.2 has been used, X must be an even number.
N.2	13.2 Subject to rule 13.3, a person who has been for a continuous period of six years in any capacity a lay member of the parish council in the parish is not eligible for election or appointment as a churchwarden or member of the parish council, or to become a member of the parish council by election or appointment as a treasurer or parish secretary, at any time in the 12 months immediately following that six year period.	This option or N.3 must be used if cl 10.2 is omitted, but not otherwise.
N.3	13.2 Subject to rule 13.3, a person who has been for a continuous period of [X] years in any capacity a lay member of the parish council in the parish is not eligible for election or appointment as a churchwarden or member of the parish council, or to become a member of the parish council by election or appointment as a treasurer or parish secretary, at any time in the [Y] months immediately following that [X] year period.	This option or N.2 must be used if cl 10.2 is omitted, but not otherwise. (1) X cannot be greater than 6 and Y cannot be less than 12 and must be divisible by 12. (2) If alternative 12.2.1 or 12.2.2 has been used, X must be an even number.

13.3 A person is not ineligible under rule 13.2 for election or appointment at or following an annual meeting if they have not been in any capacity a lay member of the parish council since the conclusion of the previous annual meeting.

13.4 A disqualified person within the meaning of the Act is not eligible for election or appointment as a parish officer.

14. Termination of office

- 14.1 The office of a churchwarden or member of the parish council becomes vacant if he or she —
- (a) is absent for three consecutive meetings of the council except on leave of absence granted by the council; or
 - (b) fails to sign a declaration as required by section 20 of the Act; or
 - (ba) is or becomes a member of the immediate family of the vicar, of an authorized stipendiary lay minister authorized for service in the parish, or of a parish minister in the parish who is in receipt of a stipend or other regular remuneration from the parish; or,
 - (c) resigns in writing to the vicar; or
 - (d) ceases to be a parishioner; or
 - (e) becomes a disqualified person.
- 14.2 The office of a churchwarden becomes vacant if he or she at any time—
- (a) holds a remunerated office or position in the parish without the consent referred to in section 27(4) of the Act;
 - (b) is or becomes a member of the immediate family of another churchwarden; or
 - (c) is or becomes the treasurer of the parish otherwise than under rule 18.2(b).
- 14.3 Acceptance by a council of an apology for absence from a meeting of the parish council is to be taken to be a grant of leave of absence from that meeting.

Alternative to rule 14.3		
No.	Permitted text	Instructions
O.1	14.3 <i>Omitted</i>	

15. Casual vacancies

- 15.1 Where there is a vacancy in an office of churchwarden or member of the parish council appointed by the vicar, the vicar may nominate a person eligible to fill the vacancy.
- 15.2 Subject to rule 15.5, where there is a vacancy in an elected office of churchwarden or member of the parish council, the remaining members of the parish council may fill the vacancy by a person eligible to fill the vacancy.

- 15.3 A person nominated or elected pursuant to this section holds office for the remainder of the term of office of the person whose place is being filled.
- 15.4 The validity of anything done by a parish council is not affected by a vacancy in the membership of the council for as long as the number of lay members of the parish council (inclusive of the churchwardens) is greater than half the number provided for in rule 10.1.
- 15.5 If the number of lay members of the parish council (inclusive of the churchwardens) is equal to or less than half the number of lay members (inclusive of the churchwardens) provided for in rule 10.1, the parish council cannot make any decisions or undertake any action other than what is necessary to convene a special election meeting.
- 15.6 Despite any other provision in these rules, the churchwardens or the remaining churchwarden or churchwardens may continue to discharge all the powers and functions vested in them by the Act and these rules notwithstanding the number of vacancies in the parish council.

16 Chairing meetings of the parish council

- 16.1. The chair of a meeting of the parish council is—
- (a) the vicar or a member of the parish council nominated by the vicar; or
 - (b) if the vicar or person so nominated is not present, a member of the parish council chosen by the parish council.

17. Churchwardens

- 17.1 The parish has three churchwardens, two elected by the parishioners and one appointed by the vicar.

18. Parish treasurer

- 18.1 The parish treasurer is appointed by the churchwardens.

Alternative to rule 18.1		
No.	Permitted text	Instructions
P.1	18.1 The parish treasurer is appointed by the parish council.	This may be used if options G.4, G.5, G.6, G.7, G.12, G.13, G.14, and G.15 are <i>not</i> used,
P.2	18.1 <i>Omitted</i>	This must be used if

		option G.4, G.5, G.6, G.7, G.12, G.13, G.14, or G.15 is used
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18.2 The treasurer—

- (a) must be a parishioner; and
- (b) except with the prior agreement of, and for such period and on such other terms set by, the Archbishop in Council, must not be a churchwarden.

18.3 If the person appointed as treasurer is not a member of the council, he or she becomes, upon being so appointed, a member of the council for all purposes for the remainder of the current term of the council.

18.4 The treasurer is responsible to the churchwardens for—

- (a) ensuring the proper banking of all moneys of the parish and the proper payment of all amounts payable by the parish;
- (b) maintaining proper financial records of the parish;
- (c) reporting to each meeting of the parish council on the financial affairs of the parish, including projected outcomes in accordance with the annual budget of the council;
- (d) preparing forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
- (e) ensuring that the accounts of the parish are audited or assessed as required by the Act; and
- (f) preparing the annual financial report to the annual meeting.

18.5 The name and postal address of the treasurer must be given to the Registrar.

19. Parish secretary

19.1 The parish council may appoint a lay member of the parish council as parish secretary.

Alternative to rule 19.1		
No	Permitted text	Instructions
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Parish Governance Act 2013

Q.	19.1 The churchwardens may appoint a lay member of the parish council as parish secretary.	This may be used if options G.8, G.9, G.10, G.11, G.12, G.13, G.14, and G.15 are <i>not</i> used,
Q.	19.1 <i>Omitted</i>	This must be used if options G.8, G.9, G.10, G.11, G.12, G.13, G.14, and G.15 are used

19.2 The duties of the parish secretary are determined by the parish council.

Alternative to rule 19.2		
No	Permitted text	Instructions
R.	19.2 The parish secretary is responsible for: [<i>insert responsibilities, such as:</i> * <i>ensuring that minutes of statutory parish meetings are made, displayed and permanently kept;</i> * <i>sending and receiving correspondence on behalf of the parish;</i> * <i>maintaining up to date compilations of the legal requirements applying to the parish;</i> * <i>assisting the wardens and parish council to comply with their legal obligations and responsibilities.</i>]	This may be used only if option G.8, G.9, G.10, G.11, G.12, G.13, G.14, or G.15 is used

19.3 The name and postal address of the parish secretary must be given to the Registrar.

20. *Nomination by the vicar*

20.1 The vicar must announce to the parishioners within 30 days of becoming entitled to appoint a person as churchwarden and or member of the parish council the name of each person appointed.

21. *Acting appointments*

21.1 During a period when a churchwarden or treasurer is absent or is, for any reason, unable to perform the duties of the office—

- (a) the parish council may appoint one of its members to act in the place of a churchwarden elected by the parish during

- some or all of that period;
- (b) the vicar may appoint a communicant member who is a parishioner (whether or not a member of the parish council) to act in the place of a churchwarden appointed by the vicar during some or all of that period; and
 - (c) the churchwardens may appoint a communicant member who is a parishioner (whether or not a member of the parish council) to act in the place of the treasurer during some or all of that period.

22. Meetings of the parish council

22.1 The parish council must hold such meetings as are necessary for the performance of its functions.

Alternative to rule 22.1		
No.	Permitted text	Instructions
S.1	22.1 The parish council must hold such meetings as are necessary for the performance of its functions and must meet at least [X] times each year.	X must be a whole number
S.2	22.1 The parish council must hold such meetings as are necessary for the performance of its functions and must meet at least every [<i>insert number of months</i>].	Insert one of: * month * two months * three months

- 22.2 A meeting of the parish council may be convened, subject to any directions of the council, at any time by the vicar or the person (if any) nominated by the vicar as its chair.
- 22.3 A meeting of the parish council shall be convened upon request by four of its members.
- 22.4 Questions arising at a meeting of the parish council shall be determined by a majority of the votes of the members present and voting and, if the votes are equal, the question shall be decided in the negative.
- 22.5 The person chairing a meeting of a council, has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.
- 22.6 True and accurate records of each meeting of the parish council shall be kept and signed by the chair.

23. Conflict of interest

23.1 A member of the parish council who has a pecuniary interest in a matter before the council must—

- (a) declare that interest at the first occasion on which it becomes apparent that the matter is to be discussed at, referred to or considered by the meeting;
- (b) not vote on any question in relation to that matter; and
- (c) if so requested by—
 - (i) the chair of the meeting; or
 - (ii) the meeting following a secret ballot requested by any member of the parish council (without the requirement of a seconder)—

be absent from and out of sight and hearing of the meeting during any discussion or consideration by the meeting, and during any vote in relation to the matter.

23.2 In addition to any other basis on which a member of a parish council may be considered to have a pecuniary interest in a matter, the member has a pecuniary interest if the matter concerns the financial interests of the council member, of a member of the immediate family of the council member, or of any business or organization (whether profit-making or not) of which the council member or a member of the immediate family of the council member is an office holder.

23.3 If the provisions of this rule mean that the parish council is during consideration of that matter without a quorum, the members present constitute a quorum in relation to that matter.

24. Minutes of meetings

24.1 The minutes of statutory parish meetings and of the parish council must be publicly displayed.

Alternative to rule 24.1		
No.	Permitted text	Instructions
T.1	24.1 The minutes of statutory parish meetings must be displayed— (a) publicly; (a) on the parish's website; (a) publicly and on the parish's website;	(1) Only one paragraph (a) to be used. (2) Only one paragraph (b) to be

Parish Governance Act 2013

	and the minutes of the parish council must be displayed— (b) publicly; (b) on the parish's website; (b) publicly and on the parish's website.	used. This is an alternative to omitting rule 24.1
T.2	24. <i>Omitted</i>	This is an alternative to the alternative permitted text for rule 24.1

**SCHEDULE 2—ADDITIONAL PARISH RULES FOR MEETINGS
AND OFFICERS FOR A SECTION 18 PARISH[†]**

25. Local annual meeting

25.1 If a local worship centre has decided to hold local annual meetings under section 18(2) of the Act, that local annual meeting must be held in October or November of each year on a date and at a time fixed by the parish council.

25.2 The rules relating to a statutory parish meeting apply to a local annual meeting, a local special meeting and a local special electoral meeting.

Alternative to rule 25.2		
No.	Permitted text	Instructions
U.1	<p>25.2 The rules relating to a statutory parish meeting apply to a local annual meeting a local special meeting and a local special electoral meeting, but for the following worship centres the quorum for a local annual meeting is:</p> <p>* [name of worship centre]: [X] * [name of worship centre]: [Y]</p>	<p>(1) Only insert worship centres that have a separate annual meeting and have fewer than 30 parishioners on the local electoral roll.</p> <p>(2) X and Y must be a whole number equal to or greater than 4 or one-third the number of parishioners on the local electoral roll (whichever is greater).</p>

25.3 A copy of the local electoral roll displayed under section 12(1) of the Act must be presented to the local annual meeting.

25.4 The business of the local annual meeting is to include after prayers—

- (a) The minutes of the previous local annual meeting and of any subsequent local meeting;
- (b) The reception of the local electoral roll;

[†] Schedule 2 has been amended by Act no 4 of 2015

- (c) A report by the vicar in relation to the parish and the worship centre;
- (d) A report by the churchwardens on the buildings, fabric, fittings and grounds of the worship centre;
- (e) A report by the churchwardens on the contribution of the worship centre to the parish budget;
- (f) If the worship centre has a vestry, a report on its proceedings;
- (g) Reports by other groups associated with the worship centre;
- (h) If the worship centre has a vestry, the election of members of the vestry;
- (i) The election of a member of the incumbency committee and a member of the incumbency committee reserve list;
- (j) Any other matters of parochial or general church interest.

26. Entitlement to be present and vote at local meetings

- 26.1 In the case of a local annual meeting, local special meeting or local special electoral meeting, this rule operates instead of rule 6.
- 26.2 A parishioner on the local electoral roll of a local worship centre is entitled to be present and vote at a local annual meeting of that worship centre.
- 26.3 A churchwarden or treasurer of the parish and a member of staff of the parish who is not on the local electoral roll, and a clerk who regularly and habitually attends public worship at the local worship centre, is entitled to be present at a local meeting and to speak by leave of the meeting, but not to vote.
- 26.4 A person other than a person referred to in rules 26.2 and 26.3 may not be present or speak at a statutory parish meeting except in each case by leave of the meeting.

27. Local Vestry

- 27.1 If a local worship centre has decided that there is to be a vestry for that worship centre under section 18(2) of the Act, elections for the vestry are to be conducted at the local annual meeting.
- 27.2 A vestry of a worship centre is, under the vicar, responsible to the parish

council for managing the affairs of the worship centre.

- 27.3 A vestry consists of—
- (a) the vicar;
 - (b) the churchwardens of the parish;
 - (c) the treasurer of the parish;
 - (d) 6 other members who are parishioners on the local electoral roll, one-third nominated by the vicar and two-thirds elected by the parishioners on the local electoral roll.
- 27.4 A person may be at the same time a member of a vestry under rule 27.3(d) and a member of the parish council under rule 10.1(c).
- 27.5 A member of the vestry holds office until the conclusion of the annual meeting next following his or her election or appointment.
- 27.6 A person who has been a member of a vestry for a continuous period of six years in any capacity is not eligible for election or appointment as a member of a vestry at any time in the 12 months immediately following that six year period, but is not ineligible for election or appointment at or following a local annual meeting if they have not been a member of the vestry since the conclusion of the previous local annual meeting.
- 27.7 A parish minister in the parish or a stipendiary lay person appointed to the parish who is not otherwise a member of the vestry may attend and speak but not vote at meetings of a vestry.
- 27.8 A vestry may invite any person (whether or not on the local electoral roll of that worship centre, unless that person is not eligible under rule 27.6) to attend and speak but not to vote at a meeting of the vestry.

Alternative to rule 27.8		
No.	Permitted text	Instructions
V.1	27.8 Any parishioner on the roll of a worship centre may attend (but not speak except by invitation of the council) a meeting of the vestry of that worship centre other than a portion of the meeting that the vestry determines is closed to people who are not members of the vestry or entitled to be present under rules 27.7.	

27.9 True and accurate minutes of each meeting of the vestry shall be kept and signed by the chair.

27.10 The chair of the vestry is the vicar or a person nominated by the vicar.

27.11 The vestry may appoint one of the members elected or nominated under paragraph 27.3(d) to be the vestry secretary, with such duties as the vestry determines.

27.12 A majority of the parish council (of whom at least three must be members nominated or elected under rule 27.3(d)) constitutes the quorum.

28. *Application of parish rules for meetings and officers to local worship centre*

28.1 Except as otherwise provided in these rules, the provisions of these rules apply, with any necessary modifications, to the meetings, elections, appointments and vestry of the local worship centre.

29. *Minutes of meetings*

29.1 The minutes of local statutory parish meetings and vestries must be publicly displayed.

Alternative to rule 29		
No.	Permitted text	Instructions
W.1	29.1 For the [<i>insert name</i>] worship centre, the minutes of local statutory parish meetings must be displayed— (a) publicly; (a) on the parish's website; (a) publicly and on the parish's website; and the minutes of the vestry must be displayed— (b) publicly; (b) on the parish's website; (b) publicly and on the parish's website.	(1) Insert name of worship centre. (2) Only one paragraph (a) to be used. (3) Only one paragraph (b) to be used.
W.2	29.2 For the [<i>insert name of some other</i>] worship centre, the minutes of local statutory parish meetings must be displayed— (a) publicly;	(1) Insert name of another worship centre. (2) Only one paragraph (a) to be

Parish Governance Act 2013

	<p>(a) on the parish's website; (a) publicly and on the parish's website; and the minutes of the vestry must be displayed— (b) publicly; (b) on the parish's website; (b) publicly and on the parish's website.</p>	<p>used. (3) Only one paragraph (b) to be used.</p>
W.3	<p>29.2 For the [<i>insert name of some other</i>] worship centre, the minutes of local statutory parish meetings and vestry meetings are not to be publicly displayed.</p>	<p>This text may be used as a rule 29.2 in relation to a third worship centre, or may be used instead of the preceding rule 29.2 in the case of a second worship centre.</p>
W.4	<p>29. <i>Omitted</i></p>	<p>Where no minutes for any worship centre are to be displayed, the rule may be omitted.</p>

SCHEDULE 3—NOTES TO ACCOMPANY ACCOUNTS

The notes to the accounts must provide the following information to the extent that it is not disclosed in the accounts:

- (a) a description of each of the accounting policies that have been adopted by the churchwardens, and which are material in the context of the accounts of the parish, together with a description of those estimation techniques adopted which are material to the presentation of the accounts;
- (b) a description of any material change to these policies and techniques, the reason for such change and its effect (if material) on the accounts;
- (c) a description of the nature and purpose of all material funds of the parish;
- (d) such particulars of the related party transactions of the parish, or of any institution or body corporate connected with the parish;
- (e) a description of any incoming receipts which represent capital, according to whether or not that capital is permanent endowment;
- (f) an itemized analysis of any material movement between any of the restricted funds of the parish, or between a restricted and an unrestricted funds of the parish, together with an explanation of the nature and purpose of each of those funds;
- (g) the name of any institution or body corporate connected with the parish, together with a description of the nature of the parish's relationship with that institution or body corporate and of its activities;
- (h) particulars of any contingent liability in the name of the parish or the churchwardens on its behalf, where any potential liability is outstanding at the date of the statement of assets and liabilities;
- (i) particulars of any loan outstanding at the date of the statement of assets and liabilities —
 - (i) which was made to the parish, and which is secured by an express charge on any of the assets of the parish; or
 - (ii) which was made by the parish to any institution or body corporate connected with the parish;
- (j) particulars of any fund of the parish which is materially in deficit at

the date of the statement of assets and liabilities;

- (k) particulars of any ex gratia payment made by the parish;
- (l) a statement as to whether or not the accounts have been prepared in accordance with any applicable accounting standards and statements of recommended practice and particulars of any material departure from those standards and statements of practice and the reasons for such departure.

NOTES

1. The Parish Governance Act 2013 was assented to on 12 December 2013 and came into force on 1 July 2014
2. This consolidation includes changes in formatting required by section 22 of the **Interpretation of Diocesan Legislation Act 2016** and incorporates amendments made by the following Acts:

Name	No.	Date of Assent	Date of commencement
<i>Melbourne Anglican Diocesan Corporation Act (Transition and Consequential Amendments) Act 2015</i>	2/2015	23 July 2015	When ss 9 and 10 of the Melbourne Anglican Diocesan Corporation Act 2015 came into force
<i>Parish Governance (Authorised Anglican Congregations) Amendment Act 2015</i>	3/2015	20 October 2015	20 October 2015
<i>Parish Governance (Amendment) Act 2015</i>	4/2015	20 October 2015	20 October 2015
<i>Interpretation of Diocesan Legislation Act 2016</i>	1/2016	15 December 2016	15 December 2016
<i>Diocesan Legislation (Revision and Repeals) Act 2016</i>	5/2016	15 December 2016	16 December 2016
<i>Parish Governance Amendment (Anglican Ministry Presence) Act 2017</i>	1/2017	6 February 2018	7 February 2018
<i>Parish Governance Amendment (Family Member Disqualification) Act 2017</i>	2/2017	6 February 2018	1 January 2018
<i>Archbishop in Council</i>	5/2018	24 October 2018	24 October 2018

Parish Governance Act 2013

*(Transitional
Provisions,*

Consequential

Amendments and

Repeals) Act 2018

Parish Governance 2/2019 17 October 2019 18 October 2019

*(Audit and Independent
Examination)*

Amendment Act 2019

Diocesan Legislation 2/2021 4 November 2021 4 November 2021

*(Revisions and
Repeals) Act 2021*

Clergy Act 2022 1/2022

Diocesan Legislation 3/2022 18 October 2022 2 January 2023

*Amendment (Conduct of
Synod, Electronic
Meetings and Other
Matters) Bill 2022*

Interpretation of 9/2022 18 October 2022 18 October 2022

*Diocesan Legislation
Amendment*

*(Communicant
member) Act 2022*

*Diocesan Acts (Revisions
and Repeals) Act 2022* 10/2022 21 December 2022 21 December 2022

Further Consequential 4/2023 17 October 2023 17 October 2023

*Amendments from
Previous Legislation Act
2023*

Parish Governance 5/2023 17 October 2023 17 October 2023

Amendment Act 2023

Synod Legislation 6/2023 17 October 2023 17 October 2023

Amendment

*(Representation) Act
2023*

³ Section 2(2) of the **Diocesan Legislation (Revisions and Repeals) Act 2021** provides:

Despite the amendment in item 3.2, a member of an incumbency

committee who is not a communicant member of this Church continues to be a member of that incumbency committee until their position becomes vacant under the **Parish Governance Act 2013**.

Reprinted as at 1 March 2023 amendments to 1 March 2023

Parish Governance Act 2013

PARISH GOVERNANCE REGULATIONS 2014

Part 1 – Preliminary

1.1 Title

These regulations may be cited as the Parish Governance Regulations 2014.

1.2 Authorizing provisions

These regulations are made under section 87 of the **Parish Governance Act 2013**.

1.3 Commencement

These regulations come into effect on the day on which the **Parish Governance Act 2013** commences.

1.4 Interpretation

- (1) Words and expressions in these regulations have the same meaning as in the **Parish Governance Act 2013**, and references to “**the Act**” are references to that Act.
- (2) In these regulations, unless the context otherwise requires—
ADF means the Anglican Development Fund in the Diocese of Melbourne.

Part 2 — Forms relating to parish rolls and movement between parishes

2.1 Prescribed forms in relation to parish rolls

Schedule 1 contains the forms to be used for the purposes of applications, notices and other communications required by Part 4, Division 1 of the Act.

Part 3 — Form of declaration by parish office holders

3.1 Declaration by parish office holders

Schedule 2 contains the form for the purposes of section 20 of the Act.

Part 4 —Diocesan assessment

4.1 Amount of diocesan assessment

am
September
2021, Act
no.
1/2022,
February
2024

- (1) An annual diocesan assessment is assessed and payable for a financial year.
- (2) Subject to regulation 4.6, the annual diocesan assessment for a financial year is the greater of—
 - (a) 5% of the base stipend for a full-time vicar at the commencement of that financial year as determined by the Archbishop in Council under section 17 of the **Clergy Act 2022**; or
 - (b) an amount calculated as the sum of—
 - (i) 11% of the first \$70,000 of the total net assessable income of the parish in the immediately preceding financial year; and
 - (ii) 16% of so much of the total net assessable income of the parish in the immediately preceding financial year as exceeds \$70,000.

4.2 How total net assessable income calculated

The total net assessable income of a parish is the total assessable income less permitted allowances.

4.3 Meaning of total assessable income

am
September
2021

- (1) Subject to this regulation, the total assessable income of a parish comprises:
 - (a) all money given to the parish, including money given through offerings, collections and planned giving;
 - (b) all money given to the parish in donations;

Parish Governance Regulations 2014

- (c) an amount (other than a negative amount) that represents the gross income from fundraising less any expenses in the year that the expenses were incurred;
- (d) general bequests, legacies and trusts at the time when they are expended to the benefit of the parish;
- (e) interest received;
- (f) dividends received;
- (g) an amount (other than a negative amount) that represents the gross income from property less any expenses on property income in the year that the expenses were incurred;
- (h) the net proceeds from the sale of shares and other tangible and intangible assets at the time of realization (other than property included in 4.3(1)(i)) at the time of realisation, less any costs expended by the parish on the purchase of such shares or assets (if any);
- (i) the proceeds from the sale of land and buildings that are not subject to Diocesan policies relating to the sale of property;
- (j) an amount (other than a negative amount) that represents the gross income from fees, use agreements and the sale of goods or services, less any expenses in the year in which the expenses were incurred—

except for—

- (k) money received from donations and fundraising for payment out to Christian mission outside the parish and to welfare agencies and charities registered with the ACNC, government agencies and municipalities;

Note: moneys collected or otherwise received by a parish for payment to other organizations not included above form part of the parish's assessable income even if 100% of the funds received are remitted to the entity on whose behalf the funds have been collected or received, unless otherwise approved by the Archbishop in Council.

- (l) donations received for payment into a building fund investment account with the ADF to support a building fund approved by the Archbishop in Council;
- (m) donations received for and paid to one of the Funds of the

Parish Governance Regulations 2014

Melbourne Anglican Foundation;

- (n) income from fundraising for a specific cause where—
 - (i) the specific cause has been widely promoted to people outside the parish;
 - (ii) all the net proceeds are remitted to the specific cause; and
 - (iii) there is written evidence that the Archdeacon is aware of the fundraising activity and the specific cause;
 - (o) specific bequests, legacies and trusts invested in a special trust account in the ADF that allows the funds of the account to be expended only for a tightly defined purpose;
 - (p) interest on building funds, bequests, trusts and opportunity shops approved by Archbishop in Council;
 - (q) the proceeds from the sale of land and buildings that are subject to Diocesan policies relating to the sale of property;
 - (r) grants received from the Government of Victoria, a municipal council or a corporation;
 - (s) grants received from the Diocese, from the Melbourne Anglican Foundation or from another parish;
 - (t) other receipts such as payments received from insurance claims, payments for long service leave, deposits and security bonds, reimbursement of expenses incurred, transfers between accounts, business activity statements, tax receipts;
 - (u) loans received.
- (2) For the purposes of regulation 4.3(1)(b) the donations that form part of the total assessable income include—
- (a) money received from; or
 - (b) money expended for the purposes of any capital works of the parish or for the repair, maintenance or improvement of any buildings, grounds, equipment, systems, amenities or other assets of the parish by —
- an opportunity shop which is conducted by the parish or which is a trust or corporation referred to in section 41(2) of the Act.

Parish Governance Regulations 2014

- (3) For the purposes of regulation 4.3(1)(e) and (f) interest on and dividends from funds in an approved building fund, bequest account with the ADF, ADF reserve account or opportunity shop investment account do not form part of the total assessable income until paid to the parish.
- (4) For the purposes of regulation 4.3(1)(g)—
 - (a) the expenses associated with property income include a proportion of the costs associated with holding, maintaining and operating that property corresponding to the hours of use in generating income relative to the hours when the property is available for use; and
 - (b) all the property of the parish may be treated as a single portfolio for the purposes of calculating expenses.
- (5) A net loss on the sale of shares or other assets is not a permitted allowance, but during the two financial years following the financial year in which the loss was incurred it may be off-set against any net proceeds to which regulation 4.3(1)(h) applies.
- (6) For the purposes of regulation 4.3(1)(k) and 4.4(1)(e), a payment is considered to have been made to a Christian welfare agency or to a Christian charity only if—
 - (a) the payment or donation is unconditional;
 - (b) the agency or charity is not connected to the parish and does not perform work or services for the parish or provide work or services to the parish; and
 - (c) the agency or charity is not a trust or corporation referred to in section 41(2) of the Act.

4.4 Meaning of permitted allowances

am September 2021

Subject to this regulation, the permitted allowances are:

- (a) the total amount of all remuneration including base and any additional stipend, housing allowance, and parish superannuation, as well as motor vehicle depreciation allowance and long service leave paid by the parish from assessable income to or in respect of curates;

Note: an amount paid to a curate from a grant is not paid from

Parish Governance Regulations 2014

assessable income.

- (b) the total amount of all remuneration including base and any additional stipend, housing allowance, and parish superannuation, long service leave, up to a total amount of \$4000, paid by the parish from assessable income to or in respect of students undertaking Supervised Theological Field Education;

Note: an amount paid to a student from a grant is not paid from assessable income.

- (c) in respect of all clergy and authorised stipendiary lay ministers who are not referred to in paragraphs (a) or (b) and who are not—
- (i) the vicar;
 - (ii) acting during the absence of the vicar or during a vacancy in the incumbency;
 - (iii) involved with youth;
 - (iv) involved with benevolent causes—

50% of the first \$120,000 paid by the parish by way of remuneration including base and any additional stipend, housing allowance, and parish superannuation, as well as motor vehicle depreciation allowance and long service leave, and 25% of any additional amount so paid, except to the extent that the amount so paid has been funded by grants from the Melbourne Anglican Foundation that have not been matched by donations to that Foundation by or through the parish;

Note: any stipend, salary, salary sacrifice, motor vehicle allowance, housing allowance, superannuation, and long service leave paid in respect of any clergy, authorised stipendiary lay ministers, curates or theological students in 4.4 (a), (b) and (c) should be identified in an annual statement provided by the Melbourne Anglican Diocesan Corporation.

* * * * *

- (e) amounts paid by the parish council from the funds of the parish for Christian mission outside the parish;
- (f) subject to regulation 4.3(2), amounts paid by the parish council from the funds of the parish for Christian charities and welfare

Parish Governance Regulations 2014

agencies;

- (g) grants given to another parish in the Diocese as part of a programme approved by the Archbishop;
- (h) money given by the parish to support Christian chaplaincy in schools or universities;
- (i) the whole of the amount, up to an amount of \$10,000, expended on the maintenance of each local worship centre in the parish or paid into a designated account with the ADF for expenditure for maintenance in future years, except for an amount paid into that account in a previous financial year and expended in the current financial year.

4.5 Annual statement of income and expenditure

amended
February
2024

The annual statement of income and expenditure of a parish must be given to the Registrar by 15 December if it is a business day (or otherwise by the next following business day) setting out the information in regulations 4.2, 4.3 and 4.4. The parish must provide that information in the form of an Excel[®] workbook if the Registrar provides the parish with such a form for that purpose.

4.6 Annual assessment where annual statement not provided by due date

Reg 4.6
ins
February
2024

- (1) This regulation applies where a parish has not provided the annual statement of income and expenditure required by regulation 4.5 by 15 March next following the date on which it was required by that regulation.
- (2) Subject to this regulation, when this regulation applies the annual diocesan assessment is 110% of the annual diocesan assessment for the previous financial year.

Note: Subregulation (2) do not relieve a parish from providing the annual statement of income and expenditure required by section 30(4) of the Act.

- (3) When—
 - (a) this regulation applies; and
 - (b) the parish subsequently provides the annual statement of income and expenditure; and

Parish Governance Regulations 2014

- (c) the annual diocesan assessment calculated on the basis of the annual statement of income and expenditure provided under paragraph (b) is greater than the amount calculated in accordance with subregulation (2)—

the annual diocesan assessment calculated on the basis of the annual statement of income and expenditure referred to in paragraph (b) is the annual diocesan assessment that is payable in respect of that year and is recoverable in the assessment year in which the relevant annual statement of income and expenditure is provided.

- (4) For the purposes of subregulation (3), an annual statement of income and expenditure is to be considered as having been provided for the purposes of this regulation if the information in regulations 4.2, 4.3 and 4.4 is provided to the Registrar as part of an audit conducted under section 52 of the Act.

Part 5 — Keeping and investing funds

5.1 Institutions for keeping parish funds

For the purposes of section 34(2) of the Act the ADF and the Melbourne Anglican Fund are prescribed institutions.

5.1A Parishes to use central payroll facility

inserted 23
August
2018,
amended
June 2023

- (1) The systems established under section 34(6) of the Act must include use of the Diocese Payroll Administration Services of the Diocese for the Vicar and for the holder of any remunerated role, position or office appointed under Division 2 of Part 5 of the Act.
- (2) With the prior agreement of the Archbishop in Council in each instance, the Diocesan Corporation may appoint the churchwardens of a parish as its agents for the purpose of providing and administering systems in relation to the payroll functions of that parish.
- (3) An appointment under subregulation (2) must be in accordance with any policy, form of agreement or other requirements decided by the Archbishop in Council either generally or in that instance.

5.2 Investing surplus parish funds

Surplus parish funds may be invested in a manner determined by the parish council on the recommendation of the churchwardens, but only if the investment—

- (a) is prudent;
- (b) is consistent with the fundamental beliefs and principles of the Christian church and the good name and repute of the Anglican Church; and
- (c) does not involve investment in a company that has major business activities in gaming, the manufacture of tobacco products, the manufacture of alcoholic beverages, uranium mining or the manufacture of armaments.

5.3 Surplus funds do not include invested funds

ins
November
2017

For the purposes of section 35(3) of the **Parish Governance Act 2013** the surplus funds of a parish do not include funds invested or liable to be invested by the Melbourne Anglican Trusts Corporation under section 12A of the **Anglican Trusts Corporation Act 1884** of the State of Victoria.

Part 6 — Audit and independent examination

6.1 Form of reporting of irregularities by auditors

The form of reporting of irregularities by auditors is Form 1 in Schedule 3.

6.2 Form of reporting of irregularities by examiners

The form of reporting of irregularities by examiners is Form 2 in Schedule 3.

6.2A Parishes required to appoint an auditor

ins
February
2020

For the purposes of section 43(1) of the **Parish Governance Act 2013** the prescribed amount is \$400,000

6.3 Independent examiner to examine accounting thresholds

am
February
2020

The independent examiner must verify that—

- (a) the total receipts of the parish in the relevant financial year do not exceed \$400,000; and either
- (b) the electors of the parish have, at the annual meeting of the parish, at their option, appointed the independent examiner; or
- (c) the parish council has appointed the independent examiner to fill a vacancy.

6.4 Independent examiner to understand the parish

The independent examiner must obtain an understanding of the parish's organization, accounting systems, activities and nature of its assets, liabilities, incoming resources and application of resources in order to plan the specific examination procedures appropriate to the circumstances of the parish.

6.5 Independent examiner to document the examination

The independent examiner must record the independent examination procedures carried out and any matters which are important to support the factual findings contained in the independent examiner's report.

6.6 Independent examiner to compare accounting records

The independent examiner must compare the accounts of the churchwardens with the accounting records of the parish in sufficient detail to provide a reasonable basis on which to decide whether the accounts are in accordance with those accounting records.

6.7 Independent examiner to review accounting records

The independent examiner must review the accounting records of the parish in order to provide a reasonable basis for the identification of any material failure to maintain those records.

6.8 Independent examiner to use analytical procedures

- (1) The independent examiner must carry out analytical procedures to identify unusual items of disclosures in the accounts.

- (2) Where concerns arise from those procedures, the independent examiner must seek explanation from the Treasurer.
- (3) If, after following those procedures, the independent examiner has reason to believe that in any respect the accounts may be materially mis-stated then additional procedures, including verification of the asset, liability, incoming resource or application, must be carried out.

6.9 Basis for independent examiner's findings regarding the accounts

The independent examiner must carry out procedures to provide a reasonable basis on which to reach a factual finding that the accounts have been prepared in accordance with the Act.

6.10 Independent examiner to review accounting policies, estimates and judgments

- (1) The independent examiner must review the accounting policies adopted and consider their conformity with relevant accounting concepts, consistency of application and their appropriateness to the activities of the parish.
- (2) The independent examiner should consider and review any significant estimate or judgment that has been made in preparing the accounts.

6.11 Independent examiner to enquire as to governance and disclosures

The independent examiner must enquire of the Treasurer as to material conflicts of interest, contingencies, internal controls and financial activities which may require disclosure in the accounts.

6.12 Independent examiner and the annual report of the churchwardens

- (1) The independent examiner must compare the accounts to any financial references in the annual report which will be presented by the churchwardens to the annual meeting.
- (2) The independent examiner must identify any major inconsistencies and consider the significance which those matters will have on a proper and accurate understanding of the parish's financial report.

6.13 Independent examiner's report

- (1) The independent examiner must review and assess all conclusions drawn from the evidence obtained from the examination and consider the implications on the report to be made by the independent examiner.
- (2) If the independent examiner has cause to make a statement on any matter which has arisen, then the independent examiner must ensure so far as practicable that the report so made gives a clear explanation of the matter and of its financial effects on the accounts presented.

Part 7 — Parish registers

7.1 Form of parish registers

- (1) Each register must be in one or both of:
 - (a) a bound book of durable paper and (except in the case of the register of marriages) with each page headed with the name of the parish or congregation, the diocese and the year and information recorded in columns corresponding to the matters to be recorded;
 - (b) an electronic register maintained for the purpose by the Diocesan Registry.
- (2) Despite sub-regulation (1), this regulation does not require a parish to commence maintaining a bound book in a form required by this Part until all available entries in any previous book relating to the same subject matter have been filled.
- (3) An entry in a register must be made promptly following the service or other event to which it relates.

7.2 Form of register of baptisms

The register of baptisms must record:

- (a) the next consecutive number of the entry in the registry;
- (b) the date on which the person was baptised;
- (c) the candidate's date of birth;

- (d) the candidate's full name;
- (e) the first name and surname of each of the candidate's parents (if known);
- (f) the occupation of each of the candidate's parents (if the candidate is aged under 18) or of the candidate (if the candidate is aged 18 or older);
- (g) the first name and surname of each godparent;
- (h) the candidate's residential address;
- (i) by whom the baptism was performed.

7.3 Form of register of children admitted to communion

The register of children admitted to communion under the Canon for the Admission of Children to Holy Communion 1981 must record:

- (a) the date of admission;
- (b) the name of each child admitted;
- (c) the name of the vicar;
- (d) the signature of the vicar.

7.3 Form of register of confirmations and receptions

The register of confirmations and receptions must record:

- (a) the next consecutive number of entry in the register
- (b) the date and place of the candidate's birth;
- (c) the date and place of the candidate's baptism;
- (d) the date of the confirmation or reception;
- (e) whether the service was confirmation or reception;
- (f) the names of the sponsors or presenters;
- (g) the signature of the confirming or receiving bishop.

7.4 Form of register of marriages

The register of marriages must be in the form of the official certificate of marriage in Form 16 of Schedule 1 of the Marriage Regulations 1963 of the Commonwealth of Australia.

7.5 Form of registers of funerals and burials etc

- (1) The register of funerals and memorial services must record:
 - (a) the next consecutive number of the entry in the register;
 - (b) the name of the person;
 - (c) the age of the person;
 - (d) the residential address of the person;
 - (e) the date of the service;
 - (f) the date, place and nature of any other service, rite or action in connection with the disposal of the mortal remains of the person that is known to the person completing the entry in the register;
 - (g) the signature of the person performing the service.
- (2) The register of burials and the interment of ashes must record:
 - (a) the next consecutive number of the entry in the register;
 - (b) the name of the person;
 - (c) the age of the person;
 - (d) the residential address of the person;
 - (e) the date of the service;
 - (f) the date, place and nature of any other service, rite or action in connection with the death of the person that is known to the person completing the entry in the register;
 - (g) the signature of the person performing the service.

7.6 Form of register of public worship

The register of public worship must record:

- (a) the date of the service;
- (b) the day in the calendar of the church or, if there is no day, the day

- of the week;
- (c) the hour of the service;
 - (d) the form of the service;
 - (e) the signature of the person conducting the service;
 - (f) the total number attending;
 - (g) the number of communicants;
 - (h) the number of those attending under the age of 16 (whether or not receiving communion);
 - (i) the signature of the preacher (if not the person conducting the service).

Part 8 —Periodic parish reviews

8.1 Data required in periodic parish reviews

am Act no.
1/2022

A periodic parish review must consider at least:

- (a) For each of the past five years:
 - (i) The number of parishioners;
 - (ii) The number of parishioners added to the roll;
 - (iii) The number of baptisms;
 - (iv) The number of confirmations;
 - (v) The income of the parish and the sources of that income (and in particular whether it is from the giving or fundraising activity of parishioners or from other sources);
 - (vi) The proportion of income of the parish paid as income or fringe benefits to clergy and lay ministers holding a clergy authorization or lay authorization;
 - (vii) The solvency of the parish;
 - (viii) The ability of the parish to fill parish offices and other lay leadership positions;
 - (ix) The number of parishioners who have offered for ordination;

Parish Governance Regulations 2014

- (x) The number of parishioners serving as missionaries within Australia or overseas;
 - (xi) The average number of hours per week in which parish buildings are used for parish activities;
 - (xii) The average number of hours per week in which activities of a missional, educational or fellowship nature organized by the parish take place (such as bible study, house groups);
 - (xiii) Achievements against the parish's Mission Action Plan
- (b) At the time of review:
- (i) Whether the buildings and grounds are properly maintained;
 - (ii) The parish's ability to meet its Diocesan assessment;
 - (iii) The parish's risk management plan.
-

Schedule 1 — Forms relating to parish electoral roll

**APPLICATION FOR ENROLMENT ON PARISH
ELECTORAL ROLL**

<i>PARISH*</i>	
<i>Full name:</i>	
<i>Postal address:</i>	
<i>Email address:</i>	
<i>Parish or Authorised Anglican Congregation in the Diocese of Melbourne in which currently enrolled:</i>	
<i>Worship centre for enrolment (in multi-centre parish):</i>	

* or Authorised Anglican Congregation

I declare that—

I am 18 years of age or older

I have been baptised

I am a member of the Anglican Church of Australia

I do not belong to any religious body which is not in communion
with the Anglican Church of Australia.

I seek to be entered on the parish roll of this parish, and wish to be
removed from the roll of the parish in which I am currently enrolled.

I do / do not (*delete as applicable*) consent to details of my postal
address and my email address being on the parish roll exhibited prior to

Parish Governance Regulations 2014

statutory parish meetings and available for inspection by parishioners.

Signed

Date

NOTICE OF REVISION OF PARISH ELECTORAL ROLL

Parish of

The parish electoral roll of this parish will be revised by the parish electoral committee commencing on [*insert date*].

The *Parish Governance Act 2013* provides that parish electoral roll is to contain the names of people who are of at least eighteen years of age and who—

- (a) are baptised;
- (b) regularly and habitually attend public worship at a worship centre in the parish;
- (c) have signed an application seeking to be included on the roll and declaring that—
 - (i) they are a member of the Anglican Church of Australia or of a church in communion with the Anglican Church of Australia;
 - (ii) they are not a member of any church which is not in communion with the Anglican Church of Australia; and
 - (iii) they are not on the parish electoral roll of any other parish or any Authorised Anglican Congregation in the Diocese other than a roll from which they wish their name to be removed.

The parish electoral roll as revised will be displayed prior to the annual meeting. A person must be on the parish electoral roll to vote at the annual meeting.

A person may apply to be on the electoral roll at any time. A person wishing to apply to be on the electoral roll before the next revision may obtain a form from me at the address shown below and must return the completed form to

me before the above date.

Dated:

Signed:

Parish Secretary

Address:

NOTICE TO CANCEL ENTRY IN ANOTHER PARISH

To the Secretary of the Parish of
..... [*name*] of
..... [*postal address*] has
applied for enrolment on the parish electoral roll of this Parish and has
asked for their name to be removed from the parish electoral roll of your
parish and it is requested that their name be removed accordingly.

Signed

Parish Secretary, Parish of

Date

Schedule 2 — Form of declaration by parish officers

PARISH*:		
Full name:		
		Date of most recent election or appointment:
Office(s) held:	churchwarden	
	member of the parish council (other than churchwarden)	
	member of the incumbency committee	
	a member of the vestry for the worship centre of	

* *or Authorised Anglican Congregation*

I have been appointed or elected to the above office or offices and declare that I am qualified for that office under the provisions of the Acts of the Synod of the Diocese of Melbourne, that I am not a disqualified person within the meaning of the *Parish Governance Act 2013*, and that I will faithfully perform all the duties of that office or those offices and conform to the Acts of the Synod in relation to those duties.

Signed:

Date:

Schedule 3 — Forms to be used in reporting matters of material significance

FORM 1: REPORT TO THE REGISTRAR BY THE AUDITOR

I..... being the auditor of the accounts of the churchwardens for the Parish of report to the Registrar the following matters that have become apparent to me during the course of the audit or review, namely,

(a) I am aware of circumstances that I have reasonable grounds to suspect may amount to:

(i) a failure in a significant respect of any of the treasurer, the churchwardens or the parish council to comply with a provision of the Act;

Particulars of circumstances
[set out details]

(ii) dishonesty or fraud involving a loss of parish funds or a risk of loss of parish funds; or

Particulars of circumstances
[set out details]

(iii) a breach in a significant respect of the terms of any special trust to which property enjoyed by the parish is subject.

Particulars of circumstances
[set out details]

(b) that information or explanation to which I am entitled has not been afforded to me.

Particulars of circumstances
[set out details]

.....
Auditor
Date

**FORM 2: REPORT TO THE REGISTRAR BY THE
INDEPENDENT EXAMINER**

I..... being the independent examiner of the
accounts of the churchwardens for the Parish of
report to the Registrar the following matters that have become apparent
to me during the course of the examination, namely,

(a) I am aware of circumstances that I have reasonable grounds to
suspect may amount to:

(i) a failure in a significant respect of any of the treasurer, the
churchwardens or the parish council to comply with a provision
of the Act;

Particulars of circumstances
[set out details]

(ii) dishonesty or fraud involving a loss of parish funds or a risk
of loss of parish funds; or

Particulars of circumstances
[set out details]

(iii) a breach in a significant respect of the terms of any special
trust to which property enjoyed by the parish is subject.

Particulars of circumstances
[set out details]

(b) that information or explanation to which I am entitled has not been
afforded to me.

Particulars of circumstances
[set out details]

.....

Independent Examiner

Date