

**DIOCESE OF ROCKHAMPTON**

**THE PARISH CANON 1974 - 2006**

*Preamble*

WHEREAS it is expedient to amend and consolidate the law relating to the Order and good government of Parishes, to the rights and duties of clerical and lay Officers therein, to the appointment of Members of the Clergy to Parishes, and to the representation of Parishes in the Synod of the Diocese of Rockhampton.

BE IT THEREFORE DECLARED AND ESTABLISHED by the Bishop, Clergy and Laity of the Diocese of Rockhampton in Synod assembled as follows:-

**PART 1 - PRELIMINARY**

*Short Title*

1. This Canon may be cited as "The Parish Canon 1974-2006."

*Division of Canon*

2. This Canon is divided into the following parts:-

PART I	PRELIMINARY (ss 1-5);
PART IA	MINISTRY UNITS (ss 6-6T);
PART IB	MINISTRY DISTRICTS OR CLUSTERS(s 6U);
PART IC	SPECIAL DISTRICTS (s 6V);
PART II	CHURCH PROPERTY (ss 7-12);
PART III	LICENSES (ss 13-19);
PART IV	APPOINTMENT AND COMMISSIONING OF INCUMBENTS (ss 20-34A);
PART V	ASSISTANT CLERGY (ss 35-38);
PART VI	ABSENCE OF INCUMBENTS FROM PARISHES (ss 39-42);
PART VI A	STUDY LEAVE (s 42A);
PART VII	(Repealed 2004);
PART VIII	PARISH OFFICERS AND ANNUAL MEETINGS (ss 44-63);
PART IX	DUTIES RIGHTS AND POWER OF INCUMBENTS (ss 64-68);
PART X	MISCELLANEOUS (ss 69-86A);
PART XI	(Repealed 2004)
SCHEDULE 1	CONSEQUENTIAL AMENDMENTS TO OTHER CANONS
SCHEDULE 2	NOTICE OF ANNUAL MEETING
SCHEDULE 3	DECLARATIONS BY CHURCHWARDENS AND COUNCILLORS
SCHEDULE 4	ELECTORAL ROLL
SCHEDULE 5	PARISH GENERAL MEETINGS
SCHEDULE 6	PARISH ADMINISTRATION
SCHEDULE 7	CRITERIA TO BE CONSIDERED IN ESTABLISHING A CHAPLAINCY MINISTRY UNIT

***Repeal and Savings***

3. (1) The Parochial Canon of 1936 and the Benefice Avoidance Canon of 1893 and all amendments thereto are hereby repealed and are hereinafter referred to as "the Repealed Canons." The Canons set out in Schedule 1 hereto (in this Canon called "the Amended Canons") are amended to the extent and to the manner mentioned in the said Schedule 1.
- (2) Without limiting the provisions of "Canon Interpretation Canon 1893" the provisions of the Repealed Canons and the Amended Canons shall continue in force so far as is necessary to preserve the rights thereunder of any Clergyman instituted to the Cure of Souls and inducted to the living of a Parish pursuant to the provisions of the Repealed Canons or the Amended Canons prior to the coming into operation of this Canon until his death, resignation or removal from Office pursuant to the provisions of the Repealed Canons or the Amended Canons PROVIDED HOWEVER any such Clergyman may by writing under his hand to the Bishop waive his rights under the Repealed Canons and the Amended Canons whereupon the provisions of the Repealed Canons and the Amended Canons in relation to his institution and induction shall cease to apply and he shall thereupon be deemed to have been appointed to his Parish and commissioned to the Pastoral care thereof under the provisions of this Canon.
- (3) Subject to the provisions of Sub-section 2 of this Section a Parish or a Parochial District or Mission District constituted or existing under the provisions of the Repealed Canons shall be deemed to be a Parish constituted under the provisions of this Canon, and a Clergyman instituted to the Cure of Souls in a Parochial District under the provisions of the Repealed Canons shall be deemed to have been appointed thereto and commissioned to the Pastoral care thereof under the provisions of this Canon and a Clergyman licensed as a Priest in charge of a Parochial District or Mission District under the provisions of the Repealed Canon shall be deemed to have been licensed as Priest in charge thereof under the provisions of this Canon.

***Interpretation***

4. In this Canon unless the context otherwise requires:-

"Divine Service" means and includes an act of public worship held according to the rites of the Anglican Church of Australia.

"Incumbent" means and includes any person who is licensed and appointed in charge of a parish under the Seal of the Bishop and has been duly commissioned to the pastoral care thereof by the Bishop or his representative;

"Parish" means and includes a portion of the Diocese which is in the opinion of the Bishop-in-Council a unit of Pastoral care and which is declared by the Bishop-in-Council to be a Parish;

"Priest in Charge" means and includes a member of the clergy in Priest's Orders licensed by the Bishop in charge of a Parish;

"Rector" means and includes a Licensed Member of the Clergy appointed with the consent of the Appointments Board to a Parish under the Seal of the Bishop and who has been duly commissioned to the Pastoral care thereof by the Bishop or his representative;

"Stipendiary Lay Minister" means a lay person engaged in full time stipendiary parish ministry not being of an administrative secretarial or accounting nature;

**Stipends**

5. The Bishop-in-Council shall from time to time and may at any time declare what sum shall be a minimum annual Stipend payable by a Parish to a stipendiary incumbent or to a stipendiary Assistant Member of the Clergy or Stipendiary Lay Minister.

The Bishop-in-Council may at any time:-

- (a) Give directions as to the use of Parish motor vehicles;
- (b) Prescribe for the payment to a Member of the Clergy or Stipendiary Lay Minister of travelling expenses;
- (c) Prescribe a minimum standard of accommodation or payment of accommodation expenses to a Member of the Clergy or Stipendiary Lay Minister.

**PART 1A – MINISTRY UNITS****Purpose of this Part**

6. 1. The purpose of this Part is to provide structures within which the members of this Church within the Diocese may be enabled to participate in the corporate life of the Church within their local area.
2. Synod therefore provides for the establishment of ministry units that are organised either on a geographical basis or to serve particular objectives of mission and ministry.
3. These ministry units are to be known as parishes and chaplaincy units respectively.

**Establishment of parish ministry unit**

- 6A. 1. A parish ministry unit is established within each geographical area of the Diocese specified by Bishop-in-Council.
2. A geographical area so specified shall be known as a parish under such name as is approved by Bishop-in-Council.
3. In establishing a parish, Bishop-in-Council shall have regard to the most appropriate way of providing for the work of this Church in the area and shall take the following matters into account-
- (a) the general community of interest of the people in the area; and
  - (b) the financial capacity of the members of this Church in the area to support a parish ministry and to provide the buildings and other facilities required for parish life and to contribute to the wider life of this Church.

**Establishment of chaplaincy ministry unit**

- 6B. 1. Bishop-in-Council may establish a ministry unit for the purposes of ministry to a group of persons forming an active community of faith and-
- (a) who have a particular community of interest unrelated to a geographical area; or
  - (b) who are related to a diocesan agency.
2. A ministry unit so established shall be known as a chaplaincy unit.

3. The procedure to be followed in establishing a chaplaincy unit is provided in Schedule 7. A chaplaincy unit shall be so established by Bishop-in-Council after receiving a report from the Archdeacon.

#### **Appointment of chaplains in other cases and of persons to special ministries**

- 6C. The Synod recognises the authority of the Bishop to appoint persons as chaplains for ministry to other groups of people whether in institutions within the Diocese or otherwise and to license persons for the exercise of special ministries within the Diocese.

#### **Alteration or abolition of ministry unit**

- 6D.
  1. The functions conferred on Bishop-in-Council by this section are to be exercised in accordance with the objective of making effective provision for the work of this Church and the most effective use of the resources of this Church.
  2. Bishop-in-Council may alter or abolish a ministry unit in accordance with this section.
  3. Bishop-in-Council must not alter the boundaries of or abolish a parish unless the alteration or abolition has been agreed to by the parish council or has been approved by the Synod.
  4. A parish council may request Bishop-in-Council to alter the boundaries of the parish.
  5. Where a proposed boundary alteration would affect the boundaries of another parish, Bishop-in-Council may not make the alteration proposed unless it has been agreed to by the parish council of that other parish or has been approved by the Synod.
  6. Bishop-in-Council may not make any alteration to the boundaries of a parish that would leave any part of the Diocese not within a parish or special ministry district.
  7. Bishop-in-Council may alter or abolish a chaplaincy unit either of its own motion or in accordance with a request by the chaplaincy unit council.
  8. Any alteration made under this section shall be made by Instrument in writing under the Seal of the Corporation with plans to be preserved in the Registry of the Diocese and the same shall be taken as evidence of the boundaries of the said Parish.

#### **Appointment and licensing of persons having the charge of ministry units**

- 6E.
  1. A reference in this section to a person having the charge of a ministry unit means that the person is charged in partnership with the members of this Church in that ministry unit with the authority and responsibility under the Bishop for the work of this Church within the ministry unit to which he or she is appointed.
  2. Within the partnership the incumbent or chaplain who is a priest has, jointly with the Bishop, a special role of spiritual leadership and decision-making responsibility for the teaching, sacramental and pastoral ministry within the parish or chaplaincy unit.
  3. The person so appointed in charge of a parish shall be known as the incumbent of the parish.
  4. The person so appointed in charge of a chaplaincy unit shall be known as the chaplain of the chaplaincy unit.

5. An appointment under this section may be on a full-time or part-time basis.
6. A person appointed under this section must exercise his or her functions in accordance with the conditions, if any, specified in his or her licence.
7. Where the person appointed as incumbent of a parish or chaplain of a chaplaincy unit is not a person in priest's orders, the Bishop may appoint a priest to have, jointly with the Bishop, oversight of the teaching, sacramental and pastoral ministry within the parish or chaplaincy unit.

### **Covenants**

- 6F.
1. A licence issued to a person to have the charge of a parish or chaplaincy unit shall embody the terms of a covenant between the Bishop, the people of the parish or chaplaincy unit, and the person issued with the licence.
  2. The covenant shall set out the objectives and expectations for the ministry of the licence holder in the parish or chaplaincy unit to which he or she is appointed.
  3. The covenant may be renewed or varied from time to time to reflect the changing opportunities, needs and circumstances of the ministry unit.
  4. The objectives and expectations set out in the covenant are an expression of the intention of the parties and do not impose legally binding obligations on any party to the covenant.

### **Special provisions relating to appointment of deacons or lay persons having the charge of a ministry unit**

- 6G.
1. A deacon or lay person appointed as an incumbent or chaplain shall perform such functions of the office as are consistent with the Anglican understanding of the ministry of a deacon or a lay person and as the Bishop directs from time to time.
  2. The Bishop may, after consultation with the parish nominators and the Appointments Board, terminate the appointment of a deacon or lay person as incumbent or chaplain at any time.

### **Appointment and licensing of assistants in ministry units**

- 6H.
1. The Bishop may, in accordance with the procedure set out in subsection 6S.5 or section 6T, as the case may be, appoint one or more persons to assist the incumbent of a parish or the chaplain of a chaplaincy unit in the work of the parish or chaplaincy unit, as the case may be.
  2. The functions of a person appointed under this section are such as are agreed upon from time to time by the Bishop and the incumbent or chaplain, as the case may be.
  3. An appointment under this section may be on a full-time or part-time basis.
  4. An appointment under this section shall be made by licence issued by the Bishop.
  5. An appointment shall, subject to the provisions of any other canon, be for such period and on such other terms and conditions as are specified in the licence.

6. The licence issued to a person appointed under section 6I may provide that the appointment may be terminated and the licence for the appointment cancelled by the Bishop at any time.
7. The licence issued to a person appointed under subsection 6H.1 may embody the terms of a covenant between the incumbent of the parish or the chaplain of the chaplaincy unit, the people of the parish or chaplaincy unit, and the person issued with the licence.

### **Temporary appointments to ministry units**

- 6I.
1. This section applies where—
    - (a) the position of incumbent or chaplain in a ministry unit is temporarily vacant; or
    - (b) the incumbent or chaplain of a ministry unit is absent from duty on leave or because of ill-health.
  2. The Bishop may, after consulting the parish nominators in the case of a parish or the chaplaincy council in the case of a chaplaincy, appoint a person to have the charge of the ministry unit during the vacancy or absence.
  3. A person so appointed has such of the functions and authority of the incumbent or chaplain, as the case may be, as the Bishop directs.

### **Meetings of ministry unit members**

- 6J.
1. Provisions relating to meetings of members of a parish are set out in Schedule 5.
  2. Chaplaincy units will operate in accordance with the requirements set out in sections 6O, 6P and 6R.

### **Qualification of Electors**

- 6K.
1. In accordance with the Constitution of the Anglican Church of Australia a member of this Church for the purposes of this Canon is a baptised person who—
    - (a) attends the public worship of this Church; and
    - (b) declares that he or she is a member of this Church and is not a member of a church which is not in communion with this Church.
  2. A parish congregation is a congregation worshipping within a parish, other than a chaplaincy unit congregation meeting for worship within the boundaries of the parish.
  3. A chaplaincy unit congregation is a congregation worshipping as a congregation attached to a chaplaincy unit and under the care of the chaplain.
  4. An elector means a person who
    - (a) is a worshipping member of a parish congregation or chaplaincy unit congregation, and
    - (b) is at least 16 years of age, and
    - (c) has within the preceding twelve months attended Divine Service within the ministry unit on not fewer than four occasions, and
    - (d) is a member of this Church in accordance with the provisions of this section or is entitled to enter their name on an electoral roll under the provisions of subsection 6K.5.

5. Where a formal hospitality arrangement has been entered into by the Bishop with another denomination, persons who are recognised as members of that other denomination are entitled to enter their name on the electoral roll of members of the ministry unit and to participate in all aspects of the ministry unit.

### **Electoral Roll**

- 6L. 1. An Electoral Roll shall be maintained in each ministry unit. In the case of a parish there may be one roll for the parish, or there may be separate rolls for each congregation within the parish.
2. The Electoral Roll shall contain a declaration, the name, address, usual place of worship (in the case of a parish), entry date and signature of each elector in accordance with the form set out in Schedule 4.
3. An elector is entitled to have his or her name entered on the electoral roll by signing the electoral roll thereby indicating their consent to be registered on the roll and their commitment to participate in worship on a regular basis.
4. Ministry units are required to report to the Registrar on the information from the electoral roll of members and on other activities as determined by Bishop-in-Council from time to time.
5. The name of a person may be removed from the Electoral Roll by resolution of the Council by reason of:-
  - (a) death
  - (b) resignation
  - (c) becoming an elector of another ministry unit
  - (d) no longer meeting the requirements for being an elector.
6. No person shall have their name on more than one Electoral Roll.
7. No person may cast a vote on any matter at a meeting of a ministry unit or in favour of any person at an election unless their name has been placed on the Electoral Roll of that ministry unit.
8. The Electoral Roll shall be available at all times except that it shall be closed from the time that notice is first formally given for the Annual Meeting. In the case of a parish notice of such closure shall be given at divine service. In the case of a Special Meeting being called it shall be closed from the time that notice of the meeting is first given and until the meeting is concluded, such notice of closure being given with the notice of meeting.
9. If any doubt or dispute shall arise with respect to the enrolment or removal of the name of any person in or from an Electoral Roll the same shall be resolved by the Bishop whose decision in writing shall be final.
10. Any person who has caused their name to be included on the Electoral Roll shall be eligible for election or appointment unless otherwise provided or regulated.

### **Duration of Electoral Rolls**

- 6M. 1. Commencing on the first Sunday of July 2004 notice inviting persons qualified to be electors to have their names entered on the Electoral Roll is to be given by:

- (a) in the case of a congregation, verbal announcement during divine worship on each occasion on which a service is held at the church during the month of July;
  - (b) a notice placed in any pew leaflet and/or other form of communication; and
  - (c) a written notice posted on the notice boards of the ministry unit.
2. On the first day of July 2007 and thereafter at three-yearly intervals, all Electoral Rolls will become void. Notice requesting the signing of a new Electoral Roll is to be given by:
  - (a) in the case of a congregation, verbal announcement during divine worship on each occasion on which a service is held at the church during the month of July;
  - (b) a notice placed in any pew leaflet and/or other form of communication; and
  - (c) a written notice posted on the notice boards of the ministry unit.

### **The Pastoral Roll**

- 6N. Subject to any applicable Privacy Legislation, the incumbent and the churchwardens shall ensure that a roll of pastoral contacts is kept and maintained containing sufficient information to enable the mission and ministry of the ministry unit to be maintained and where possible enhanced.

### **Establishment of ministry unit council**

- 6O. 1. There shall be a parish council for each parish.
2. There may be a chaplaincy unit council for each chaplaincy unit.
3. The parish or chaplaincy unit council, as the case may be, is a body representative of the members of the ministry unit and elected or appointed in accordance with the procedures established by or under this Canon.

### **Functions of ministry unit council**

- 6P. 1. Within each ministry unit, the incumbent or chaplain, as the case may be, and the council of the ministry unit have, in partnership, the responsibility and authority under the Bishop for the mission and ministry of this Church in that ministry unit.
2. The council provides leadership for the ministry unit by setting, in conjunction with the incumbent or chaplain, objectives and strategies for the work of this Church in the ministry unit and by the efficient and effective management of the resources of the ministry unit.
3. Without limiting the other provisions of this section, the council is responsible to the Bishop and to the members of the ministry unit for—
  - (a) managing the financial affairs of the ministry unit; and
  - (b) maintaining the buildings, grounds and other property held on behalf of the ministry unit in good order and repair.
4. The council is also responsible to the Bishop for meeting the obligations of the ministry unit in accordance with a covenant referred to in section 6F.

### **Parish administration**

- 6Q. 1. A parish council is constituted in accordance with this section.

2. A general meeting of the members of a parish may, subject to the procedures in this section, adopt a system of parish administration, including the constitution of a parish council, appropriate to the circumstances of their parish.
3. A constitution for a parish council must provide for the following matters—
  - (a) the number of members of the council;
  - (b) the method of choosing those members;
  - (c) the method of appointment of a presiding member of the council;
  - (d) an executive committee of the council; and
  - (e) where a parish includes two or more places at which a congregation regularly worships, appropriate representation on the council for the congregations of each of those places.
4. The constitution for a parish council may include such other matters as are appropriate to the circumstances of the parish.
5. A general meeting of members of a parish may adopt the provisions of Schedule 6 with such modifications as it thinks appropriate and any consequential modifications of Schedule 5, as its system of parish administration.
6. A system of parish administration adopted by a parish, other than the adoption of the provisions of Schedule 6 without modification, does not have effect unless it is approved by Bishop-in-Council.
7. Before approving a constitution of a parish council under this section Bishop-in-Council shall obtain a report from the Registrar.
8. Where Bishop-in-Council approves the constitution of a council under this section, the parish council is constituted in accordance with that approval and Bishop-in-Council shall make any consequential modifications to Schedule 5 in relation to that parish.
9. A system of parish administration adopted by a parish under this section may be amended or revoked in like manner.
10. Bishop-in-Council may issue guidelines for the constitution of a parish council.
11. Until Bishop-in-Council has approved a system of parish administration in accordance with this section the parish shall be administered in accordance with the provisions set out in Schedule 6.

#### **Constitution of chaplaincy unit council**

- 6R.
1. A chaplaincy unit council shall be constituted in accordance with this section.
  2. The chaplain of a chaplaincy unit, after consultation with the members of the chaplaincy unit and the Bishop, may recommend to Bishop-in-Council that a chaplaincy unit council be established for the chaplaincy unit.
  3. Where Bishop-in-Council approves the establishment of a chaplaincy unit council the council is constituted in accordance with the decision of Bishop-in-Council. When approving the establishment of a chaplaincy unit council Bishop-in-Council will have regard to need for clear provision for the following-
    - (a) a statement of goals and objectives;

- (b) lay involvement in the work of the chaplaincy unit; and
  - (c) a management structure and administrative procedures, including procedures for the management of funds.
4. The constitution of a chaplaincy unit council may in like manner be amended or revoked by Bishop-in-Council.

#### **Procedures for appointments to parishes**

- 6S.
1. This section applies in conjunction with Parts IV and V of this Canon.
  2. Where there is, or there is to be, a vacancy in an office of incumbent, the Bishop or a person appointed by the Bishop for the purpose must meet with the people of the parish to discuss the expectations and needs of the parish for the work of this Church in that place (the consultation).
  3. After the consultation, the Appointments Board for the parish meets to consider prospective candidates for appointment.
  4. The Appointments Board must have regard to the results of the consultation when considering prospective candidates.
  5. An appointment by the Bishop of a person to a licensed ministry other than an appointment as incumbent, requires the agreement of the incumbent and shall be made only after consultation with the parish nominators.
  6. An Appointments Board is constituted in accordance with the provisions of this Canon.

#### **Procedures for appointments to chaplaincy unit**

- 6T. Where a chaplaincy unit council has been established for a chaplaincy unit, the Bishop must consult with the members of the chaplaincy unit council about the appointment of a person as chaplain of the chaplaincy unit or another person as assistant to the chaplain.

### **PART 1B – MINISTRY DISTRICTS OR CLUSTERS**

#### **Ministry districts**

- 6U.
1. This section applies where the mission and ministry of this Church in an area may be more effectively exercised by the shared leadership and resources of two or more ministry units as a consequence of changes in the demographic or other social characteristics of an area or for any other reason.
  2. The Bishop may, with the concurrence of a general meeting of the members of each ministry unit concerned, appoint a ministry team to work in relation to two or more ministry units within an area of the Diocese, referred to in this Canon as a ministry district or a ministry cluster.
  3. The ministry team may include chaplains without chaplaincy units and other persons licensed by the Bishop to special ministries within the ministry district or cluster.

4. The responsibilities of the members of the ministry team shall be such as are agreed between the Bishop, the members of the ministry team and each parish or chaplaincy unit council concerned.
5. Where no chaplaincy unit council exists for a chaplaincy unit concerned, the Bishop shall consult the members of the chaplaincy unit about the responsibilities of the members of the ministry team in relation to that chaplaincy unit.
6. Bishop-in-Council may approve arrangements for the operation of a ministry district or cluster council, including provisions for-
  - (a) the number of members and method of choosing the members; and
  - (b) the functions of the council, including its relation to parish or chaplaincy unit councils within the ministry district or cluster,that have been adopted by general meetings of members of each ministry unit within the ministry district or cluster.
7. A ministry district or cluster council may perform such of the functions of a parish or chaplaincy unit council within the ministry district or cluster as are agreed by the parish or chaplaincy unit council concerned or by a general meeting of the members of the parish or chaplaincy unit.

## **PART 1C - SPECIAL DISTRICTS**

### **Special Districts**

- 6V.
1. This section applies where the mission and ministry of this Church in an area is growing, developing, dwindling or otherwise situated such that it is inappropriate to establish or continue a ministry unit but it is appropriate to provide structure, oversight and pastoral arrangements similar to those provided by a parish ministry unit.
  2. The Bishop-in-Council may establish a Special District within a defined geographical area.
  3. The Bishop-in-Council may provide that such conditions as it considers appropriate shall apply to such a Special District, including but not limited to:
    - (a) the governance arrangements to apply for the Special District; and
    - (b) the staffing and financial arrangements for the Special District; and
    - (c) the conditions under which the Special District may seek to apply to become a parish ministry unit.
  4. The Bishop-in-Council may specify that sections, parts or schedules, or parts of those provisions, of this Canon shall apply to the Special District as if it were a parish ministry unit for the purpose of the specified provisions and the priest-in-charge of the Special District were an incumbent.
  5. Despite the provisions of the Synod Canon, the Bishop-in-Council may make provision for representation of the Special District in Synod.
  6. The Bishop-in-Council after consultation with the body established to govern the Special District may alter the boundaries or name of the Special District or abolish the Special District.
  7. Section 6S of this Canon shall apply to the appointment of a priest-in-charge of a Special District as if the priest-in-charge were an incumbent.



## **PART II - CHURCH PROPERTY**

### ***Purchase of Sites***

7. The approval of the Bishop shall be obtained prior to the purchase of a site for a Church or other buildings and all Plans and Specifications of buildings (or any alterations thereof) to be erected or used shall be approved by the Bishop prior to the engagement being made by the Parish Council or any other Parish authority for the erection alteration or use of the same.

### ***Property to be Vested in Synod***

8. Any site required for the purposes of the Church shall as soon as convenient be transferred to the Corporation of the Synod of the Diocese of Rockhampton and no building or improvement shall be placed upon such site until it has been so transferred.

### ***Dedication***

9. As soon as may be after the erection of a building for use as a Church, petition shall be made by the incumbent and the Churchwardens for the Bishop to dedicate the Church or for a License to celebrate Divine Worship therein.

### ***Furnishing***

10. The Bishop may refuse to dedicate a Church or license a building for the celebration of Divine Worship until it contains such fabric, fittings, furniture or ornaments and such provision for the keeping of Parish Records as the Bishop shall deem necessary.

### ***Faculty***

11. The fabric, fittings, furniture or ornament of any church or the fabric of any other Parish buildings shall not be added to, altered or removed unless a faculty from the Bishop is first obtained after an application in the form prescribed by the Bishop has been made to him by the incumbent and Churchwardens. No such application shall be referred to the Bishop until a notice in the form prescribed by the Bishop has been affixed for a period of not less than fourteen (14) days to the principal door of the Parish Church and to the principal door of any other building in relation to which the faculty is sought. The incumbent and the Churchwardens will forward to the Bishop with such application any written objection thereto or any written opinion in relation thereto received by them from a Parishioner. The Bishop may require the Churchwardens to remove or restore any unauthorised additions alterations or removals as the case may be.

### ***Use of Churches***

12. No church shall except with the authority of the Bishop be used for any purpose other than the celebrating of Divine Service, the administration of the Sacraments, the performance of rites and ceremonies of the Anglican Church of Australia or for the purposes of religious education and Meetings of Parishioners held in accordance with any Canon of Synod.

### **PART III - LICENSES**

#### ***Persons to Officiate***

13. No person shall officiate or preach at any celebration of the Divine Service of the Church or administer the Sacraments without the License or written consent of the Bishop.

#### ***General License***

14. The Bishop may grant to a Member of the Clergy a general License which shall entitle such Member of the Clergy to officiate or to minister within the Diocese as and when it is seemly so to do by virtue of the Office or appointment specified in the License and by virtue of his or her Ordination.

#### ***Restricted License***

15. The Bishop may grant a restricted License to any person and such License may be restricted to such place or in such manner as the Bishop may in his sole discretion deem expedient.

#### ***Bishop's Prerogative***

16. Nothing in this Canon contained shall be deemed to diminish the powers and prerogatives of the Bishop as are more specifically set out in "The Bishop's Prerogative Canon 1899" and amendments thereto.

#### ***Granting and Revocation of General Licenses***

17. When a member of the clergy is appointed to be a Rector and is commissioned to the Pastoral Care of a Parish the Bishop shall thereupon grant a general License to him or her. Such License shall be revocable by the Bishop only if such appointment of such Rector is terminated in accordance with the provisions of this Canon. If the termination of the appointment of a Rector is removed by the Metropolitan in accordance with the provisions of this Canon the Bishop shall forthwith reinstate the License of such Rector.

#### ***Suspension of General License***

18. The License of a Rector may be suspended by the Bishop. If the Bishop suspends the License of a Rector he shall cause a meeting of the Appointments Board to be held within fourteen (14) days therefrom to consider the termination of the appointment of such Rector and such meeting of the Appointments Board may be adjourned for not more than fourteen (14) days, but if within that time the appointment of the Rector shall not be terminated in accordance with the provision of this Canon, then the License of such Rector shall be reinstated by the Bishop.

#### ***Suspension or Revocation of Restricted License***

19. A restricted License or the general License of a member of the clergy who is not a Rector may be suspended or revoked by the Bishop at any time.

### **PART IV - APPOINTMENT AND COMMISSIONING OF INCUMBENTS**

#### ***Appointments Board***

20. (a) There shall be a Board of Synod called the "Appointments Board" which shall consist of the Bishop and certain members of Synod elected or appointed as hereinafter provided;
- (b) Without limiting the provisions of this or any other Canon it shall be the duty of the Appointments Board to act as a Council of Advice to the Bishop in matters of Ministry and the appointments of Clergy throughout the Diocese;
- (c) Nothing in this Canon contained shall limit the right of the Bishop to license a Member of the Clergy as Priest in Charge of a Parish during such period as the Bishop may in his sole discretion decide.

#### ***Appointment by Synod***

21. During each session of Synod:-
- (a) Two (2) clerical and two (2) lay members of the Appointments Board shall be elected by the Order of Clergy voting by ballot;
- (b) Two (2) clerical and two (2) lay members of the Appointments Board shall be elected by the Order of Laity voting by ballot;
- (c) One (1) clerical and one (1) lay member of the Appointments Board shall be appointed by the Bishop.

The members so elected or appointed shall with the Bishop constitute the Appointments Board. If the number of votes are equal for any two (2) persons the Bishop shall in Synod declare which of the persons voted for shall be deemed to have been elected.

#### ***Quorum***

22. No business shall be transacted at any Meeting of the Appointments Board unless the Bishop and three clerical and three lay members thereof shall be present PROVIDED HOWEVER the Bishop may for the purpose of any such Meeting appoint a member of the Diocesan Council or in the event that no member of the Diocesan Council is available then a member of Synod to be present at such Meeting in place and instead of any member of the Appointments Board who is unable to attend PROVIDED FURTHER the Appointments Board at any time shall not contain more than five (5) Clerical or five (5) Lay members.

#### ***Voting***

23. The Bishop shall be the Chairman of the Appointments Board and shall convene the Meetings thereof and all resolutions and decisions thereof shall be passed in the manner required by the twenty-fourth section of the Synod Canon.

#### ***Term of Office***

24. The Clerical and Lay members of the Appointments Board elected in the manner hereinbefore mentioned shall continue and remain in office except as hereinafter provided until their successors are appointed.

#### ***Resignation***

25. Any member of the Appointments Board may by writing under his or her hand addressed to the Bishop resign his or her appointment and upon the acceptance of such resignation by the Bishop the office of such member shall become vacant.

### ***Filling Vacancies***

26. When the office of any member of the Appointments Board shall become vacant it shall be the duty of the Bishop to give notice of such vacancy to the members of the Diocesan Council who shall at the next meeting of the Diocesan Council elect some other member of Synod to fill the vacant office.

### ***Meetings***

27. (a) A Parish Nominator shall not be a member of the Appointments Board either by reason only of his or her holding Office as a Parish Nominator or by reason only of his or her entitlement to vote on certain motions put to the Appointments Board.
- (b) Where a Parish is vacant or is to become vacant the Appointments Board shall obtain from the Parish Nominators the names of any persons whom they desire to have considered for the appointment to the Parish in order of preference.
- (c) The Bishop shall cause to be given to each Parish Nominator of a Parish seven (7) days notice of any meeting of the Appointments Board and an invitation to attend such Meeting at which a motion is put having the effect of consenting to the appointment of a Rector to such Parish and the Parish Nominator shall be entitled to vote on such motion. For the purpose only of Clause 23 hereof the votes of Parish Nominators referred to in this sub-clause shall be treated as votes of Lay members of the Appointments Board.
- (d) At any Meeting of the Appointments Board the Bishop may accept the written vote of a member thereof or of a Parish Nominator entitled to vote to a motion for the appointment of an incumbent to a Parish where :-
- (i) A copy of the Notice of Motion has been posted to such member or such Parish Nominator before the Meeting; and
- (ii) The Bishop is satisfied that such member or such Parish Nominator is unable to attend such Meeting.
- (e) If a minute setting out a resolution and bearing a date has been signed by all the members of the Appointments Board and all parish nominators entitled to vote thereon, the Appointments Board shall be deemed to have held a meeting on that date and the minute shall be deemed to constitute a minute of that meeting. Two or more separate documents in identical terms, each of which is signed by one or more members which together bear the signatures of all members of the Appointments Board shall together be deemed to constitute one such minute.
- (f) Any member of the Appointments Board who is considered by the Appointments Board, either for an appointment or for the termination of an appointment, shall take no part in any discussions or deliberations of the Appointments Board in connection with such consideration and shall for such purpose on the direction of the Bishop withdraw from any meeting or part thereof and shall not be entitled to vote on any question arising out of such consideration.

### ***Appointments by Bishop***

28. (1) When the Bishop proposes to appoint an incumbent to a Parish he shall make and announce to the Appointments Board his decision as to whether such incumbent is to be appointed as the Rector of such Parish and in that case he shall seek the consent of the Appointments Board as hereinafter provided.
- (2) The Bishop may under his Seal appoint a Member of the Clergy to be the Rector of a Parish PROVIDED HOWEVER no such appointment shall be made until:-
- (a) The Appointments Board has consented to such appointment;
- (b) The Bishop has offered such appointment to such Member of the Clergy in writing; and
- (c) Such Member of the Clergy has accepted such offer in writing.

### ***Commissioning***

29. When an incumbent is appointed to a Parish the Bishop shall cause him or her to be publicly commissioned to the Pastoral care of such Parish.

### ***Resignation of Incumbent***

30. An incumbent may resign from his or her appointment by giving not less than three (3) calendar months' notice in writing thereof to the Bishop and such appointment shall terminate at the expiration of such period of three (3) calendar months or such shorter or longer period as the incumbent and the Bishop may decide by mutual agreement.

### ***Termination of Appointment***

31. (a) The appointment of a Rector may be terminated by the Bishop under his Seal with the assent of the Appointments Board (and if necessary with the consents of the Parish Nominators) subject as hereinafter mentioned;
- (b) At any Meeting of the Appointments Board the votes on any Motion put to the Meeting having the effect of assenting to the termination of the appointment of a Rector shall be taken by a secret ballot and the number of votes in the affirmative and the number of votes in the negative shall be recorded;
- (c) The Bishop may terminate such appointment if the Appointments Board assents thereto, and
- (i) The number of the affirmative votes so taken is seven (7) or more; or
- (ii) The number of the affirmative votes so taken and the number of consents in writing of the Parish Nominators to such termination (which may be sought for this purpose) is seven (7) or more.

### ***Occupation of Rectory After Termination***

32. Where the appointment of a Rector has been terminated the Bishop shall forthwith cause that person to be notified in writing of such termination and if such notice is not accompanied by a notification of an appointment to another Parish within the Diocese then the Rector shall be entitled to remain in occupation of the Parish dwelling and its appurtenances for a period of not less than three (3)

calendar months after such termination and during such time as he or she shall remain in such occupation he or she shall be entitled to receive a Stipend at the same rate as the Stipend he or she was receiving at the time of such notification.

### *Appeal*

33. A Rector may appeal to the Metropolitan against the termination of his or her appointment and the Metropolitan may revoke such termination by notice under his Seal to the Bishop, to the Appointments Board, and to such Rector within three (3) calendar months from the date of such termination or within such further or extended time as the Bishop may in his sole discretion decide. Such appeal may be heard or dealt with by the Metropolitan in such manner as he shall in his sole discretion decide.

### *Vacating of Rectory*

34. Subject as in this Canon otherwise provides the incumbent shall vacate the Parish land and buildings at the direction of the Bishop after the termination of his or her appointment.

### *Vacancy of Parish*

- 34A. In the event of a parish being vacant then the authority falls to the Bishop or his appointed representatives and to the Churchwardens.

## **PART V - ASSISTANT CLERGY**

### *Appointment of Assistant Member of the Clergy*

35. (a) The Bishop may (with the written consent of an incumbent) under his seal appoint a member of the clergy (in this Canon called an "Assistant Member of the Clergy") or a Stipendiary Lay Minister to assist such incumbent. No Assistant Member of the Clergy or Stipendiary Lay Minister shall be appointed or engaged in any Parish otherwise than by the Bishop;
- (b) An Assistant Member of the Clergy or Stipendiary Lay Minister shall be under the direction and authority of the incumbent whom he or she has been appointed to assist, subject nevertheless to the authority of the Bishop;
- (c) The Bishop may terminate the appointment of an Assistant Member of the Clergy or Stipendiary Lay Minister;
- (d) An incumbent may request the Bishop to terminate the appointment of an Assistant Member of the Clergy or Stipendiary Lay Minister appointed to assist him or her and such request shall be dealt with by the Bishop in such manner as he shall in his sole discretion decide.

### *Resignation of Assistant Member of the Clergy Or Stipendiary Lay Minister*

36. An Assistant Member of the Clergy or Stipendiary Lay Minister may resign his or her appointment by giving not less than three (3) calendar months' notice in writing thereof to the Bishop and to the incumbent whom he or she has been appointed to assist.

### *Annual Leave of Assistant Member of the Clergy Or Stipendiary Lay Minister*

37. An Assistant Member of the Clergy or Stipendiary Lay Minister shall be entitled to annual Leave of four (4) consecutive weeks in each calendar year at such time as the incumbent whom he or she has been appointed to assist may determine.

***Settlement of Dispute***

38. Where any dispute or difference occurs between an incumbent and an Assistant Member of the Clergy or Stipendiary Lay Minister appointed to assist him, the same shall be determined by the Bishop.

**PART VI - ABSENCE OF INCUMBENTS FROM PARISHES*****Leave of Absence of Incumbent***

39. Each incumbent may have Leave of Absence from his or her Parish for a period of four (4) weeks in each calendar year. The incumbent shall notify the Bishop of his or her intention to be absent and if possible provide for the administration of the Sacraments during the absence. The Parish Council shall be responsible for reasonable charges for such provision. Any dispute as to these charges shall be settled by the Bishop.

***Extended Leave***

40. If any incumbent shall be absent from his or her Parish for a period exceeding four (4) consecutive Sundays without the consent in writing of the Bishop, the Bishop may terminate the appointment of the incumbent unless he is satisfied that the absence was necessary or excusable.

***Locum Tenens***

41. If an incumbent applies for Leave of Absence for more than four consecutive Sundays he or she shall nominate a person to the Bishop to take charge of his or her duties during the absence. The Bishop, may, without reason assigned, reject any such nomination and Leave of Absence may not be granted until arrangements are made for a Locum Tenens to the satisfaction of the Bishop. The incumbent applying for such Leave of Absence shall be responsible for the Stipend of his or her Locum Tenens during such period of extra leave.

***Absence of Incumbent***

42. No incumbent shall be absent from his or her Parish for a period exceeding three (3) days without notifying the Bishop in writing stating the period of the absence, nor shall he or she be absent from their Parish for a Sunday without the Bishop's permission, subject as in this Canon otherwise provided.

**PART VI A - STUDY LEAVE**

- 42A. Incumbents and all full time stipendiary clergy shall be entitled to a period of study leave each year upon such terms and conditions as may be determined by the Bishop-in-Council from time to time.

**PART VII (Repealed 2004)****PART VIII - PARISH OFFICERS AND ANNUAL MEETINGS*****Churchwardens***

44. In every Parish two (2) electors shall be chosen annually as Churchwardens.

***Parish Nominators***

45. In every Parish there shall be three (3) Parish Nominators. The Churchwardens of the principal worship centre shall both be Parish Nominators and the third Parish Nominator shall be an elector appointed at the Electoral Meeting.

***Parish Council***

46. In every Parish there shall be a Parish Council which shall be constituted in accordance with the provisions of section 6Q.

***Annual Meeting***

47. The financial year shall end on 31 December. In every Parish a Meeting (called "the Annual Meeting") shall be held in accordance with the provisions of Schedule 5 or as varied by virtue of the provisions of section 6Q.

48 - 55 (Repealed 2004)

***Returns***

56. The incumbent shall within fourteen (14) days of the Annual Meeting in each year forward to the Bishop:-
- (a) Such Returns showing the state of his or her Parish as the Bishop-in-Council shall direct and such Returns shall be laid before the Synod at its next Session;
  - (b) A list of all officers elected and appointed at the Electoral Meeting;
  - (c) A copy of the Report on the work of the Parish presented by the incumbent to the Annual Meeting.

***Accounts to Be Sent to the Bishop***

57. The Parish Secretary shall within fourteen (14) days of the Annual Meeting in each year forward to the Bishop a copy of the audited Accounts and Statements submitted to the Annual Meeting.

***Failure to Elect***

58. Should the Electoral Meeting or the incumbent fail to elect or appoint a person to any Parish Office herein provided for, the Bishop may appoint a duly qualified person to such Office.

***Declaration***

59. Before entering upon the duties of Office, each Churchwarden and Councillor shall subscribe the undertaking contained in Schedule 3.

***Term of Office***

60. Subject as is hereinafter provided the Churchwardens and Councillors shall continue in office until their successors are appointed and sign the required undertaking.

***Resignation***

61. Any Churchwarden or Councillor may by writing under his or her hand addressed to the incumbent (or if the Parish is vacant, to the Bishop) resign their appointment without prejudice to any liability which he or she may have incurred in respect of his or her conduct in the said Office.

62 - 63 (Repealed 2004)

**PART IX - DUTIES, RIGHTS AND POWERS OF INCUMBENTS*****Responsibility***

64. The incumbent is responsible to the Bishop for overseeing the whole of the work of his or her Parish. The Parish Council shall act in conjunction with the incumbent in the duties set out for them in this Canon.

***Use of Church***

65. The incumbent shall at all times have access to the Church and all other buildings used for Parish purposes and may celebrate Divine Service, administer the Sacraments and perform such other rites and ordinances of the Anglican Church of Australia as he or she is entitled by his or her License to do without any hindrance from any other person whatsoever except as in this Canon provided and shall for such purposes have the custody of the keys of the Church and other buildings.

***Use of Rectory***

66. The incumbent may freely use and enjoy the Rectory house and land belonging to the Church provided that he or she shall not without the consent in writing of the Bishop and the Parish Council first had and obtained let or otherwise dispose of or part with possession of such Rectory house or any portion thereof, nor shall he or she without the consent of the Bishop reside beyond the Parish boundaries.

***Meetings***

67. No Meeting shall be held in a Parish Building or on any Parish land without the consent of the incumbent or during the vacancy of any Parish without the consent of the Bishop.

***Alteration of Stipend***

68. The Parish Council of any Parish may at any time request the Bishop-in-Council to assent to an increase in the Stipend for any incumbent, Assistant Member of the Clergy or Stipendiary Lay Minister of such Parish or with the consent of such incumbent, Assistant Member of the Clergy or Stipendiary Lay Minister or during the vacancy of the Parish they may request a decrease in such Stipend and if the Bishop-in-Council is satisfied that such increase or decrease is justified and shall approve thereof then such Stipend shall be varied accordingly PROVIDED HOWEVER if the Stipend for any incumbent, Assistant Member of the Clergy or Stipendiary Lay Minister of a Parish is decreased during the vacancy of that Parish, full details of the amount and circumstances of such decrease shall be communicated to any Member of the Clergy to whom an offer is made by the Bishop of an appointment to that Parish at the time of such offer.

**PART X – MISCELLANEOUS**

69-70. (Repealed 2004)

***Responsibility of Parish Council in Financial Matters***

71. Authority for the administration of funds for all matters connected with the material assets or liabilities of a Parish resides with the Parish Council. The Parish Council shall:
- (a) receive the Offertory Alms and other collections and enter up each Service in a book to be kept for that purpose the amount collected;
  - (b) transmit to the Treasurer of Synod all contributions directed to be made by the Parish Contributions Canon; and
  - (c) pay all special collections and all offerings made for a special purpose to the object specified.

***Priority of disbursement***

- 71A. Subject to any legislative requirements, the moneys received by the Parish Council shall be disbursed in order of priority as follows:-
- (a) Money received for a particular purpose shall be disbursed for that purpose;
  - (b) Provision of bread and wine for the Holy Communion;
  - (c) Payment of the Stipend of the incumbent;
  - (d) Payment of the Stipend of any Assistant Member of the Clergy or stipendiary lay minister;
  - (e) Payment of parish contributions in accordance with the Parish Contributions Canon;
  - (f) Insurance of Buildings and Clergy Superannuation;
  - (g) Rates and Taxes on the Rectory;
  - (h) Other Church expenses.

72. (Repealed 2004)

***Approval for Debts***

73. The approval of the Bishop-in-Council must first be obtained by the Parish Council of any Parish before any debt is incurred for a sum of greater than five thousand dollars (\$5,000) or such other amount as may be determined by the Bishop-in-Council by Regulation from time to time.

74. (Repealed 2004)

75-76. (Repealed 1985)

77-79. (Repealed 2004)

***Minutes***

80. The presiding member shall see that the Minutes of the proceedings and resolutions of every General Meeting of a ministry unit and every meeting of a Ministry Unit Council are duly and regularly entered in a book kept for that purpose and such Minutes shall be read and confirmed at the beginning of the next Meeting, except as otherwise provided.

***Parish Records***

81. The incumbent shall keep and have in his or her custody proper registers and records as follows:-
- (1) Register of Baptisms;
  - (2) Register of Confirmations;
  - (3) Register of Marriages;
  - (4) Register of Funerals;
  - (5) Register of Services held in his or her Parish;
  - (6) Book for entering Minutes of Meetings of Parishioners and Meetings of Parish Council;
  - (7) A uniform record of Anglican people in the Parish;
  - (8) A book or form of Inventory which shall contain a complete list of the property and articles of the Church or Churches and the Rectory of the Parish;
  - (9) A copy of the Diocesan Canons with all Amendments inserted therein.

The Bishop-in-Council may give orders or directions for the use of uniform registers throughout the Diocese.

***Custody of Records***

82. Such records as are hereinbefore mentioned shall be the property of the Church and not of the Member of the Clergy by whom they are compiled and on his or her resignation, suspension or removal the incumbent shall surrender all such records to the Churchwardens who shall give him or her a receipt therefor and hand over the same to the succeeding Member of the Clergy when appointed and take his or her receipt therefor.

***Records to Be Sent to Registry***

83. All records which are not in use either for the entry of events or for the frequent reference by the incumbent shall be sent to the Diocesan Registry for safe keeping and the incumbent shall thereupon be discharged from any responsibility therefor.

***Settlement of Disputes and Doubts***

84. The Bishop-in-Council may settle and determine all doubts and disputes which may arise with reference to any elections of or transaction of business by Parish Officers and may from time to time make and alter rules not inconsistent with the provisions of this Canon for the conducting of elections

and the transaction of business aforesaid and may determine all doubts and disputes with reference thereto.

- 84A. Where as a result of amendment, there is an inconsistency between this Canon and other Diocesan Canons the matter shall be referred to the Bishop-in-Council whose decision upon the matter shall be final.

***Bishop to Preside***

85. The Bishop or his representative appointed in writing shall during the vacancy of any Parish be entitled to preside at any Meeting of Parishioners or Parish Council.

***Removal From Office***

86. The Bishop may by notice in writing remove from office any Churchwarden or Parish Councillor for non-compliance with the Canons of the Diocese or for any other cause which shall in his discretion seem sufficient.

86A-91 (Repealed 2004)

**SCHEDULE 1**

- A. THE CANON INTERPRETATION CANON is amended in Section 8 thereof as follows:-
1. The words "District shall mean and include both Parochial and Mission Districts and the word" are repealed.
  2. The definition of "Elector" is amended by repealing the word and figures "Clause 43" and by inserting in place thereof the words "the provisions."
- B. ST PAUL'S CATHEDRAL CANON is amended as follows:-
1. Sections 4, 5, 9 and 10 thereof are repealed.
  2. The following Section to be numbered 4 is enacted:-  
  
"4. The provisions of the Parochial Canon shall apply to the Cathedral Parish of St Paul so far as they are not otherwise inconsistent with the provisions of this Canon."
- C. THE TRIBUNAL CANON is amended in Section 3 thereof as follows:-
1. The definition of "incumbent" is amended by repealing the words "an incumbent as defined by the Benefices Avoidance Canon" and inserting in lieu thereof the words "a Rector as defined by the Parochial Canon."
  2. The definition of "Parish" is amended by repealing therefrom the words "Parochial District or Mission District."
- D. THE SYNOD CANON is amended as follows:-
1. The phrase "or District" and the phrase "or Districts" and the phrase "or Parochial District" wherever they appear throughout the said Canon are repealed.
  2. In Section 4 the word and figures "Clause 43" are repealed and the words "the provisions" are inserted in lieu thereof.
  3. Section 5 is repealed and the following new Section is enacted in lieu thereof:-  
  
"5. The number of Synodsmen who may be elected to represent each Parish is three (3)."
- E. THE CLERGY SUPERANNUATION CANON is amended as follows:-
1. In Section 7 the words "and Parochial District" are repealed.
  2. In Section 9 the words "and Parochial Districts" are repealed.
- F. THE ASSESSMENT CANON is amended by repealing therefrom wherever they appear the phrase "and District," the phrase "and Districts" and the phrase "or District."

## SCHEDULE 2

### (A) NOTICE OF ANNUAL MEETING

Notice is hereby given that a Meeting of members of the Anglican Church of Australia in the Parish of ..... will be held in ..... (place of meeting) on ..... the..... day of ..... 20.... at ..... o'clock for the purpose of receiving reports, audited accounts and forward estimates of income and expenditure, the appointment of auditors and general business of which at least 7 days notice has been given to the Parish Secretary in accordance with the provisions of Schedule 5, paragraph 3 of the Parish Canon.

DATED this ..... day of ..... 20....

(Signed).....

### (B) NOTICE OF ELECTORAL MEETING

Notice is hereby given that a Meeting of members of the Anglican Church of Australia in the Parish of ..... will be held in ..... (place of meeting) on ..... the..... day of ..... 20.... at ..... o'clock for the purpose of electing a Churchwarden and other officers for the Parish for the year ensuing.

DATED this ..... day of ..... 20....

(Signed).....

## SCHEDULE 3

### UNDERTAKING BY A PERSON ELECTED OR APPOINTED AS CHURCHWARDEN

I, [A. B.] DO HEREBY PROMISE that I will faithfully execute the Office of Churchwarden to the best of my knowledge, information and ability.

(Signed) .....

### UNDERTAKING BY A PERSON ELECTED OR APPOINTED AS COUNCILLOR

I, [C. D.] DO HEREBY PROMISE that I will faithfully undertake the role of Parish Councillor to the best of my knowledge and ability.

(Signed) .....

**SCHEDULE 4**

**ELECTORAL ROLL**

I, declare that I am of the age of sixteen years and upwards; I am baptised; I am a member of the Anglican Church of Australia or by virtue of the provisions of the Parish Canon I am entitled to enter my name on this Roll; I claim to be a Member of (insert name of Parish or Ministry Unit) ..... in the Diocese of Rockhampton having within the period of twelve months immediately preceding this declaration attended Divine Service conducted therein on not less than four occasions; I consent to be registered on this electoral roll and I now commit myself to participate in worship on a regular basis.

<b>Name</b>	<b>Address</b>	<b>Usual Place of Worship</b>	<b>Date</b>
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**Signature**

## SCHEDULE 5 – PARISH GENERAL MEETINGS

### 1. Dictionary

- 1.1 In this Schedule, unless the contrary intention appears –  
“general meeting” includes an electoral meeting, an Annual Meeting and a special general meeting;  
“member of the parish” means a member of this Church who customarily worships in a parish; or where a combined ministry district has been constituted under section 6U a ministry unit within that district.

### 2. Electoral meeting

- 2.1 An electoral meeting for the purpose of electing the members of the parish council shall be held in accordance with this paragraph.
- 2.2 The electoral meeting shall precede the Annual Meeting and may, if the parish council so decides, be held in conjunction with the Annual Meeting of the parish.
- 2.3 The electoral meeting elects–
- (a) a churchwarden
  - (b) the elected members of the parish council;
  - (c) if the parish has so decided, the presiding member of the parish council;
  - (d) the lay parish members of Synod; and
  - (e) the parish nominator.
- 2.4 Nominations for election must be called for when notice is given of the holding of an electoral meeting.
- 2.5 Nominations must be in writing and signed by–
- (a) the person nominated or on his or her behalf with his or her approval;
  - (b) the proposer; and
  - (c) the seconder,
- all of whom shall be members of the parish.
- 2.6 Unless the notice of meeting sets a closing date for receipt of nominations, nominations may be received at the electoral meeting.
- 2.7 In the absence of the incumbent from an electoral meeting he or she may nominate in writing such persons as he or she may desire to appoint as Churchwarden and Councillors and such nominations shall be announced to the Meeting before the election of Churchwarden and Councillors. In case more persons have been nominated as Councillors than the incumbent has a right to appoint, those first standing on the incumbent's list shall be appointed.

### 3. Annual Meeting

- 3.1 Each parish shall hold an Annual Meeting not later than the second Sunday in March in each year.
- 3.2 The business of the Annual Meeting shall include–
- (a) a report to members of the parish by the incumbent on the general state of the parish and on the incumbent's strategies and plans for the work of the parish in the coming year;
  - (b) a report to members of the parish by the presiding member of the parish council on the work of the council for the preceding year and on strategies and plans adopted by the council for the future work of this Church in the parish;

- (c) presentation of reports of parish organisations;
- (d) a report by the treasurer on the financial affairs of the parish, including:
  - (i) an audited statement of the financial affairs of the parish for the year ending on the preceding 31 December; and
  - (ii) forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
- (e) the appointment of an auditor or auditors in accordance with the provisions of this Canon; and
- (f) general business of which at least 7 days notice has been given to the parish secretary.

3.3 The statement of the financial affairs of the parish must, where Bishop-in-Council has determined a form for such statements, be in accordance with that form.

#### **4. Special general meetings**

4.1 A special general meeting may be convened at any time.

4.2 A special general meeting must be convened—

- (a) if the parish council so decides;
- (b) if a quorum of the parish council requests the holding of a special general meeting;
- (c) at the request of the churchwardens of the parish; or
- (d) on the written request of 10 or more members of the parish entitled to vote at a general meeting.

4.3 A request for the convening of a special general meeting shall state the matters that are desired to be put to the meeting.

4.4 The business of a special general meeting shall include only the matters referred to in subparagraph 4.3.

#### **5. Convening of general meetings**

5.1 A general meeting may be convened by the incumbent or by the presiding member of the parish council.

5.2 Notice of the holding of a general meeting must be given at an ordinary service in each regular place of worship in the parish not less than 2 weeks before the date of the meeting.

5.3 Subparagraph 5.2 does not apply to the holding of a special general meeting if there is an urgent need for the meeting.

5.4 Notice of the Annual Meeting and notice of an Electoral Meeting shall be fixed to the principal door of the Parish Church for a period of not less than eight (8) days including two (2) Sundays immediately preceding the day of the respective Meeting and such Notice shall be in the form set out in Schedule 2 to this Canon.

#### **6. Entitlement to vote at general meetings**

6.1 A member of the parish who has attained the age of 16 years is entitled to vote at a general meeting of members of the parish.

#### **7. Procedure at general meetings**

- 7.1 The presiding member of the parish council shall, if present, preside at a general meeting.
  - 7.2 In the absence of the presiding member of the parish council the persons present who are eligible to vote shall elect one of their number to preside.
  - 7.3 The person presiding has a deliberative but not a casting vote.
  - 7.4 A question arising at a general meeting shall be determined by a majority of the votes of the persons eligible to vote at the meeting who are present and vote on the question.
  - 7.5 A quorum at a general meeting of a parish is 10 persons eligible to vote at the meeting.
  - 7.6 If a quorum is not present within half an hour after the time fixed for the holding of a general meeting of parishioners or of a congregation, the meeting lapses and a further general meeting may be convened.
  - 7.7 If a general meeting lapses before voting has been completed for an election to be held at the meeting, the incumbent shall convene a further general meeting to hold the election.
- 8. Amendment of Schedule**
- 8.1 This schedule may be amended by Bishop-in-Council in relation to a particular parish or chaplaincy unit at the request of a general meeting of members of that parish or chaplaincy unit.

## SCHEDULE 6 – PARISH ADMINISTRATION

### Dictionary

1. In this Schedule, unless the contrary intention appears –

“member of the parish” means a member of this Church who customarily worships in a parish; or where a ministry district or cluster has been constituted under section 6U a ministry unit within that district.

### Membership of the Parish Council

2. The Parish Council consists of–

- (a) the incumbent or the person in charge of the parish;
- (b) any clergy of the parish who hold a current licence of the Bishop for active ministry;
- (c) if there is only one regular worship centre in the parish - the churchwardens of that worship centre;
- (d) if there are two or more regular worship centres in the parish and centre churchwardens have been appointed:
  - (i) the churchwardens of the principal worship centre; and
  - (ii) such number of the churchwardens of each other worship centre as is determined at the Electoral Meeting of the parish;
- (e) 3, 6, 9 or 12 other persons (as resolved at the Electoral Meeting of the parish) of whom one-third shall be persons nominated by the incumbent and two-thirds shall be elected by the members of the parish;
- (f) if not otherwise qualified, the elected Parish Nominator; and
- (g) if not otherwise qualified, the Parish Treasurer and Parish Secretary appointed in accordance with the provisions of paragraphs 8 and 9 of this schedule.

3. Any other clerical or lay assistant licensed for service in the parish who is not otherwise a member of the council may be elected as a member of the council.

4. A council may co-opt a member of the parish to assist the council for such period (but not extending beyond the term of office of the council) as the council determines.

5. The validity of anything done by a parish council is not affected by a vacancy in the membership of the council.

### Presiding member

6. The presiding member of a council is elected–

- (a) by the members of the council; or
- (b) if a general meeting of parishioners so decides, by the Electoral Meeting of parishioners.

**Churchwardens**

7. (a) There shall be 2 churchwardens for the principal worship centre in a parish or, where there is only one regular worship centre in a parish, for the parish.
- (b) There may be 2 churchwardens for each other regular centre of worship in a parish.
- (c) In each case, one churchwarden shall be appointed by the incumbent and the other elected by the members of the parish who customarily worship at the worship centre, or by the members of the parish as the case may be.
- (d) The churchwardens for a worship centre are responsible to the incumbent or person in charge of the parish and the parish council for-
- (i) ensuring the provision of all things necessary for the conduct of public worship at that worship centre;
- (ii) the maintenance in good order and repair of the property of or used by the worship centre.
- (e) Where there are no churchwardens for a worship centre, the duties set out in this schedule vest in the churchwardens for the principal worship centre or for the parish as the case may be.
- (f) The churchwardens of the parish have a duty to provide a written report to the Bishop on any serious irregularities in the performance of public worship or any willful neglect of duty or any serious misconduct on the part of the incumbent.
- (g) The churchwardens have the functions and duties conferred or imposed by the laws of the Church, including canons of General Synod and the canons of this Diocese.
- (h) The churchwardens of the parish are to effect insurance in the name of the Corporation in accordance with directions which shall be given from time to time by the Bishop-in-Council and, without limiting the generality thereof, such directions may be given with reference to the nature of property and liabilities and the nature of risks to be insured and the extent in value of insurance to be arranged.
- (i) The churchwardens of the parish are to attend on the Bishop or his Commissary or the Archdeacon whenever cited to a visitation and in the event of the death of the incumbent immediately to report the vacancy to the Bishop.
- (j) In conjunction with the incumbent (subject to the provisions of this Canon) the churchwardens are to control the appointment and dismissal of all lay appointments, and to assist the incumbent in the ornamentation, decoration and furnishings of the Church subject to the Bishop's faculty at all times.

**Parish Treasurer**

8. (a) The parish treasurer is appointed by the council.
- (b) The treasurer must be a member of the parish.

- (c) 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.
- (d) The treasurer is responsible to the council for—
  - (i) ensuring the proper banking of all moneys of the council and the proper payment of all amounts payable by the council;
  - (ii) maintaining proper financial records of the parish;
  - (iii) reporting to each meeting of the council on the financial position of the parish;
  - (iv) preparing forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
  - (v) ensuring that the accounts of the parish are audited;
  - (vi) preparing the annual financial report and presenting it to the annual general meeting of parishioners; and
  - (vii) such other matters as the council may decide.

### **Parish Secretary**

- 9. (a) The parish secretary is appointed by the council.
- (b) The parish secretary must be a member of the parish.
- (c) If the person appointed as parish secretary 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.
- (d) The parish secretary is responsible to the council for—
  - (i) the preparation of agendas for meetings, the receipt and dispatch of correspondence, recording of minutes and maintaining council records;
  - (ii) such other matters as the council may decide.

### **Qualifications for appointment or election to a parish office**

- 10. (a) A person must be a member of a parish who has attained the age of 16 years to be qualified to be appointed or elected to hold an office within the parish.
- (b) A person holding an office specified in subparagraph 10 (a) vacates that office if he or she ceases to be a member of the parish.

### **Qualifications for appointment as auditor**

- 11. At every Annual Meeting two (2) persons shall be elected for the purpose of auditing the parish council's accounts for the year. Provided however only one person may be elected as an auditor if such person is a member of either CPA Australia or the Institute of Chartered Accountants in Australia or National Institute of Accountants or some other body of Accountants recognised by Bishop-in-Council.

### **Nominations by Incumbent**

- 12. The incumbent must announce, not later than 28 days after the Annual Meeting, the churchwarden and council members appointed by the incumbent.

### **Term of office of churchwardens and members of parish councils**

13. (a) A person elected as a churchwarden or as a council member at an Electoral Meeting holds office, subject to this Canon, for the period from the conclusion of the Annual Meeting to which that Electoral Meeting relates until the conclusion of the next following Annual Meeting of that parish.
- (b) A person appointed by the incumbent as churchwarden or council member holds office, subject to this Canon, for the period from the conclusion of the Annual Meeting at which that appointment is related or from the date of announcement of the appointment, whichever is the later, until the conclusion of the next following Annual Meeting of that parish.
- (c) The parish is encouraged to adopt the principle that in the absence of special circumstances a person elected or appointed as churchwarden or council member should not serve more than 6 consecutive terms in that office.

### **Termination of appointment**

14. (a) The office of a churchwarden or council member becomes vacant—
- (i) if he or she is absent for 3 consecutive meetings of the council except on leave of absence granted by the council; or
  - (ii) if he or she resigns in writing to the incumbent; or
  - (iii) if he or she ceases to be a member of the parish.
- (b) The office of churchwarden of a congregation becomes vacant if he or she ceases to be a customary member of that congregation.
- (c) Acceptance by a council of an apology for absence from a council meeting is to be taken to be a grant of leave of absence from that meeting.

### **Casual vacancies**

15. (a) Where there is a vacancy in an office of churchwarden or council member nominated by the incumbent, the incumbent shall nominate a person qualified to fill the vacancy.
- (b) Where there is a vacancy in an elected office of churchwarden or council member, the office shall be filled as soon as practicable by a qualified person elected by a special general meeting of the members of the parish or of the relevant congregation, as the case may be.
- (c) 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.

### **Meetings of the council**

16. (a) A council shall hold such meetings as are necessary for the performance of its functions provided that a meeting shall be held at least once every three (3) calendar months.
- (b) Notice of meeting of a council shall be given at least two (2) clear days before the Meeting.
- (c) A meeting of a council may be convened, subject to any directions of the council, at any time—
- (i) by the presiding member of the council; or
  - (ii) if the office of the presiding member is vacant or the presiding member of a council is not available - by the incumbent.

- (d) A meeting of a council shall be convened upon request by the incumbent or by 4 members of the council.
- (e) A quorum of a council is the integer greater than one-half of the number of members of the council or such greater number as the council decides.
- (f) If the presiding member of a council is absent from a meeting of the council the members present shall elect one of their number to preside.
- (g) Questions arising at a meeting of a 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.
- (h) The person presiding at a meeting of a council, has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.
- (i) True and accurate records of Council meetings shall be kept and signed by the presiding member.

#### **Executive committee**

17. (a) The executive committee of the council consists of–
- (i) the presiding member;
  - (ii) the incumbent;
  - (iii) the churchwardens;
  - (iv) the centre churchwardens (if any);
  - (v) the Parish Treasurer;
  - (vi) the Parish Secretary.
- (b) Subject to any directions of the council, the executive committee has all the powers, and may perform all the functions, of the council between meetings of the council. Such matters are to be reported to the council at its next meeting.
- (c) Meetings of the executive committee shall be called, and the business conducted, in a manner determined by the committee.
- (d) A majority of the members constitute a quorum.

#### **Committees and task groups**

18. (a) A council may establish such other committees as it thinks fit.
- (b) A committee of a council is constituted in such manner and has such functions as are specified by the council.
- (c) A committee shall report to the council as required by the council.
- (d) A council may delegate any of its powers and functions to a committee of the council other than this power of delegation.
- (e) A committee may not commit or expend council funds except as authorised by the council.

- (f) A council may appoint task groups to carry out particular tasks on behalf of the council.

**Centre Committee**

19. (a) Where there is more than one worship centre in a parish, the members of the parish who customarily worship at a worship centre may, with the agreement of the parish council, elect a centre committee for that worship centre.
- (b) A committee of a worship centre is, under the incumbent, responsible to the parish council for managing the affairs of the worship centre.
- (c) The churchwardens of the worship centre are, by virtue of their office, members of the centre committee.
- (d) The number of members of a centre committee and the method of electing them is as agreed by the members of the congregation or, in default of agreement, is as determined by the parish council.
- (e) The members of the centre committee must, at the first meeting of the committee after its election, choose one of their number to be the presiding member.
- (f) The term of office of a centre committee is the same as the term of office of the parish council.
- (g) The provisions of paragraphs 14 (termination of appointment of members of parish council), 15 (filling of casual vacancies on parish council) and 16 (procedure at meetings of parish councils) apply, with such adaptations as are necessary to meet the circumstances of the case, to centre committees.

## **SCHEDULE 7 – CRITERIA TO BE CONSIDERED IN ESTABLISHING A CHAPLAINCY MINISTRY UNIT IN ACCORDANCE WITH SECTION 6B**

### **1. Nature of submission to Bishop-in-Council**

- 1.1 The submission to Bishop-in-Council shall include a statement addressing the aims, objectives and strategies which shall guide and enable the chaplaincy, as well as the criteria and mechanism ensuring evaluation and accountability. It shall further comprise:
- (a) a general statement describing the ministry to be undertaken, and the group wishing to form such an active community of faith. This statement should describe the community of interest or relationship to a diocesan agency;
  - (b) a detailed report responding to the criteria set out in clauses 2 and 3 of this Schedule, and to the provisions of Schedules 5 and 6 where these are relevant to the operation of the Chaplaincy Ministry Unit;
  - (c) the names of the founding members of Chaplaincy Ministry Unit; and
  - (d) a report from the Archdeacon.
- 1.2 Bishop-in-Council may require the group to attend on it or on its duly constituted sub-committee for the purpose of discussing, clarifying, expanding upon or explaining the submission or any aspect of it.

### **2. Relevance of the Chaplaincy Ministry Unit to the ministry of the Church**

- 2.1 The submission to Bishop-in-Council must address how the Chaplaincy Ministry Unit will address any or all of the Diocesan Mission Objectives, namely:
- (a) proclaims the Gospel;
  - (b) provides for the worship of God;
  - (c) provides for the administration of the sacraments, baptises new believers and teaches and nurtures all believers;
  - (d) responds to human need through loving service;
  - (e) seeks to transform the unjust structures of society; and
  - (f) strives to safeguard the integrity of creation.

### **3. Competence of the Chaplaincy Ministry Unit in providing ministry**

- 3.1 The submission to Bishop-in-Council must address the competence of the Chaplaincy Ministry Unit to provide the ministry described. In doing so the submission should address the following criteria:
- (a) the exercise of leadership within the Chaplaincy Ministry Unit.
  - (b) the nature of partnerships with other ministry units, both Chaplaincy and Parish.
  - (c) the way in which an Anglican Ethos is manifested in the Chaplaincy Ministry Unit.
  - (d) the sources of funding for the Chaplaincy Ministry Unit.
  - (e) the ability of the Chaplaincy Ministry Unit to contribute to the ministry of the wider Church.

### **4. Approval by Bishop-in-Council**

- 4.1 Bishop-in-Council must agree to or decline the application to become a Chaplaincy Ministry Unit within six months of the application being received by the Registrar.
- 4.2 In agreeing to the establishment of a Chaplaincy Ministry Unit Bishop-in-Council shall have regard to: -
- (a) the nature of the community of interest of the persons concerned;
  - (b) the competence of the Chaplaincy Ministry Unit to provide the ministry proposed;
  - (c) the contribution of the Chaplaincy Ministry Unit to the mission of the Diocese;

- (d) whether the ministry of this church is likely to be made more effective by the establishing of a chaplaincy unit;
- (e) the financial capacity to the members of the group to contribute to the cost of a chaplaincy unit ministry;
- (f) the financial contribution to be made to the Diocese, such amount to be set by Bishop-in-Council, having regard to financial contributions made by Parish Ministry Units.

## **5. Life of a Chaplaincy Ministry Unit**

- 5.1 A Chaplaincy Ministry Unit will be established for an initial period of five years, with a major review to be carried out after three years.
- 5.2 After five years of operation, Bishop-in-Council will review the operation of the Chaplaincy Ministry Unit at least once in each three year period thereafter.

## **6. Review of a Chaplaincy Ministry Unit.**

- 6.1 The reviews specified in clause 5 will be carried out by Bishop-in-Council having regard to
  - (a) the initial criteria by which the group was granted Chaplaincy Ministry Unit status;
  - (b) any changes to such initial criteria which have been approved by Bishop-in-Council; and
  - (c) any change in any material circumstance which may have occurred after the constitution of the Chaplaincy Ministry Unit.
- 6.2 Where, following a review, the Bishop-in-Council makes a finding adverse to the Chaplaincy Ministry Unit, it may give such directions as it sees fit, and may further, either immediately or upon the failure of the Ministry Chaplaincy Unit to comply with such directions, move for the abolition of the Chaplaincy Ministry Unit under Section 6D.7 of this Canon.