

**ANGLICAN CHURCH OF AUSTRALIA**

**DIOCESE OF GIPPSLAND**



# **Parish Administration Act 1994**

(Including Amendments to 2017)

*Issued by the Registrar, Diocese of Gippsland, PO Box 928, Sale Vic 3853*

*Phone - (03) 5144 2044 Fax - (03) 5144 7183 Email –  
registrar@gippsanglican.org.au*

*Website - <http://www.gippsanglican.org.au>*

*4 October 2017*

**PARISH ADMINISTRATION ACT**  
*(Including all amendments to 2017)*  
**TABLE OF PROVISIONS**

**Part 1 - Preliminary**

1. Short title
2. Commencement
3. Definitions
4. Elector
5. Principal church of parish

**Part 2 - Parishes**

**Division 1 - Constitution and boundaries**

6. Diocese divided into parishes
7. Definitions of boundaries
8. Alteration of boundaries
9. Petition for new parish

**Division 2 - Parish land and buildings**

10. Acquisition of land
11. Land for parish purposes to be held by Trusts Corporation
12. Consent required for building or alterations
13. Building not to be used as church unless suitably furnished
14. Licensing of building for use as church
15. Church not to be used for certain purposes without consent
16. Use of parish property
17. Churches to be open
18. Furnishings
19. Faculties

**Division 3 - The incumbent of a parish**

20. Incumbent's right to use buildings of parish
21. Rectory
22. Incumbent to keep certain records
23. Incumbent to surrender control on resignation &.
24. Recovery of property

**Part 3 - Parish Council and officers of parish**

25. Constitution of parish council

26. Qualification for office
27. Admission of members of parish council
28. Youth representation on parish council
29. Duties of parish council
30. Delegation by parish council
31. Duties of churchwardens
32. Duties of churchwardens of principal church relating to rectory
33. Secretary of parish council
34. Treasurer of parish council
35. Restriction of voting powers of salaried officers of parish
36. Vacancies
37. Removal from office
38. Casual vacancies - elected members
39. Casual vacancies - appointed members
40. Casual vacancies left unfilled

#### **Part 4 - Meetings**

##### **Division 1 - Annual General Meeting of Parish**

41. Annual general meeting of parish
42. Business at annual general meeting of parish

##### **Division 2 - Annual Meeting of Church**

43. Annual church meeting
44. Business at annual meeting of church

##### **Division 3 - Annual Meeting of Committee of Parishioners**

45. Committees of parishioners where place of worship not church

##### **Division 4 - Elections**

46. Nominations
47. Elections
48. Failure to hold meeting or elect

##### **Division 5 - General**

49. First meeting of parish council
50. Quorum for AGM, annual meeting or parish council
51. Person to preside at meetings
52. Assistant minister may attend parish meetings

### **Part 5 - Finance**

- 53. Banking
- 54. Administration of funds
- 55. Money raised by parish council to be used for Church purposes
- 56. Borrowing
- 57. Parish funds

### **Part 6 - Episcopal Districts**

- 58. Parish may be declared to be Episcopal district
- 59. Ministry in Episcopal district
- 60. Suspension of certain Acts

### **Part 7 - Miscellaneous**

- 61. Appointments by incumbent
- 62. Changes in order of service
- 63. Decisions by majority
- 64. Notices
- 65. Validity of decisions despite vacancy
- 66. Disputes
- 67. Regulations

### **Part 8 - Transitional**

- 68. Repeal
- 69. Transitional

## AN ACT

### relating to the administration of parishes and for other purposes

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

#### PART 1 - PRELIMINARY

##### *Short title*

1. This Act may be cited as the **Parish Administration Act 1994**.

##### *Commencement*

2. This Act comes into operation on 1 January 1995.

##### *Definitions*

3. In this Act -

**"elector"** means elector as defined in section 4;

**"financial year"** means the year beginning on 1 October;

**"incumbent"** includes priest or deacon in charge of a parish;

**"minister"** means bishop, priest or deacon;

**"principal church"**, in relation to a parish, means principal church of the parish as defined in section 5;

**"Registrar"** means the Registrar of the Diocese;

**"Trusts Corporation"** means the Anglican Trusts Corporation for the Diocese of Gippsland.

##### *Elector*

4. A lay person is an elector of a parish for the purposes of an election, nomination or appointment under this Act if the person -

- (a) has been baptised; and
- (b) has attained the age of 18 years; and
- (c) declares himself or herself to be a member of the Anglican Church of Australia; and

- (d) during the 3 months preceding the election, nomination or appointment, usually attended divine service in the parish; and
- (e) is not an elector of any other parish.

*Principal church of parish*<sup>1</sup>

5. For the purposes of this Act, the principal church of a parish is the church that is for the time being designated by the Bishop in Council as the principal church of the parish.

## **PART 2- PARISHES**

### **Division 1 - Constitution and boundaries**

*Diocese divided into parishes*

6. (1) The diocese is divided into areas of ministry known as parishes.

(2) Subject to sections 7 and 8, the number and boundaries of the parishes of the diocese are as determined for the time being by the Bishop in Council.

*Definition of boundaries*

7. (1) The description of the boundaries of each parish, whether by words or maps or plans or partly by words and partly by maps or plans, and all documents recording the boundaries of a parish, made under this or any other Act of the Synod of this diocese or the diocese of Melbourne -

- (a) shall be kept in the Diocesan Registry; and
- (b) are conclusive evidence of those boundaries.

(2) A copy of a description of boundaries as kept in the Diocesan Registry certified to be a true copy by the Registrar is evidence of those boundaries.

*Alteration of boundaries*

8. (1) The Bishop in Council may, in accordance with this section, alter the boundaries of a parish, or of 2 or more parishes, by -

- (a) dividing the parish into 2 or more parishes; or

---

<sup>1</sup> Amended by Act 314/98

- (b) constituting a new parish by uniting part of the parish with a part or parts of an adjoining parish or adjoining parishes.
- (c) joining two or more adjacent parishes.<sup>2</sup>

(2) An alteration of boundaries of a parish may be made under sub-section (1) -

- (a) on the petition of the incumbent and parish council of each parish that would be affected by the alteration, after consultation with the electors of the parish at a general meeting of electors; or
- (b) on a petition under section 9; or
- (c) on the recommendation of the Bishop in Council.

(3) An alteration of boundaries of a parish must not be made under sub-section (1) unless-

- (a) at least 60 days' notice of the proposal has been given in writing by the Registrar -
  - (i) to the parish council of each parish that would be affected seeking an expression of opinion on the proposal after consultation with the electors in general meeting; and
  - (ii) to the churchwardens of each church that would be affected seeking an expression of opinion on the proposal; and
- (b) the Bishop in Council has considered any opinions expressed by a parish council, churchwardens or electors of a parish; and
- (c) the Archdeacon or Archdeacons of the area or areas concerned have examined the proposal and met with the parish council or parish councils and churchwardens of the churches that would be affected and any petitioners under section 9.

---

<sup>2</sup> Inserted by Act 385/17

(4) On receiving a report from the Archdeacon or Archdeacons, the Bishop in Council may declare the alteration to have been made and the day upon which it takes effect.

(5) Each declaration under this section -

- (a) shall include details of the boundaries of the parishes as altered, divided or constituted under this section; and
- (b) shall be filed in the Diocesan Registry -

and a copy shall be given to the parish council of each parish affected or constituted.

*Petition for new parish*

9. (1) Members of the Church who wish to have the area in which they reside constituted as a separate parish may petition the Bishop in Council asking that the area be so constituted.

(2) A petition may not be made in respect of an area unless there is in the area a building that is, or may be used as, a church.

(3) A petition for the purposes of sub-section (1) shall state -

- (a) that the petitioners undertake to comply with the Acts and Regulations of the Synod of the diocese;
- (b) that a suitable residence for an incumbent is available or can be provided;
- (c) that the petitioners are able to provide sufficient funds -
  - (i) to pay the stipend and allowances of an incumbent in accordance with the **Stipends Remuneration and Allowances Act 1994**;
  - (ii) to meet all other expenses of a parish;
  - (iii) to pay to the Registrar such contributions or other amounts as are required to be paid by a parish under any Act or as prescribed by the Bishop in Council;
- (d) the reasons why the petitioners deem it desirable that a separate parish be constituted;

- (e) that the petitioners will do all in their power to form and develop the new parish as an active part of the Church.

## **Division 2 - Parish land and buildings**

### *Acquisition of land*

10. Land, or any interest in land, must not be acquired for parish purposes unless the Bishop in Council has approved the acquisition.

### *Land for parish purposes to be held by Trusts Corporation*

11. Land, or any interest in land, for parish purposes must be vested in or held by the Trusts Corporation, unless any trust to which the land is subject otherwise requires.

### *Consent required for building or alterations*

12. (1) A building must not be constructed on land of a parish, and a building on land of a parish must not be altered, except in accordance with the approval of the Bishop in Council.

(2) An application for approval for the purposes of this section shall be given to the Registrar in writing and shall be accompanied by proper plans and specifications and a written estimate from a suitably qualified person of the cost of the construction or alteration and a statement of the proposed arrangements for meeting that cost.

(3) Construction or major alterations shall not proceed until a contract has been executed.

### *Building not to be used as church unless suitably furnished*

13. (1) A building must not be used as a church unless -

- (a) it is suitably furnished as mentioned in section 18; and
- (b) has been licensed by the Bishop for use as a church.

(2) Sub-section (1) does not apply to a building that, with the prior consent of the Bishop, is only occasionally used as a church.

### *Licensing of building for use as church*

14. When a building in a parish has been erected or acquired for use as a church and has been suitably furnished as mentioned in section 18, the incumbent and churchwardens may petition the Bishop for the licensing of the building for use as a church.

### *Church not to be used for certain purposes without consent*

15. (1) A church shall not be used for purposes other than divine service and the administration of the sacraments, the performance of the rites and ceremonies of the Church, religious education or meetings of parishioners except with the consent of the incumbent or locum tenens or, if there is no incumbent or locum tenens, the churchwardens and the parish council.

(2) Despite sub-section (1), a church may not be used for the rites of any other denomination except with the consent of the Bishop.

*Use of parish property*

16. The use of parish buildings (other than the church) shall be as determined by the parish council for the time being with the consent of the incumbent or locum tenens and the churchwardens or, if there is no incumbent or locum tenens, by the parish council with the consent of the churchwardens.

*Churches to be open*

17. The incumbent of a parish shall ensure wherever practicable that each church in the parish is opened each day for the private devotion of worshippers.

*Furnishings*

18. Unless the Bishop otherwise determines, a church is not suitably furnished unless it contains at least -

- (a) suitable accommodation for worshippers;
- (b) a pulpit or lectern;
- (c) a prayer desk;
- (d) a font;
- (e) a Holy Table and suitable books, linen and vessels for Holy Communion;
- (f) the Holy Bible;
- (g) the Book of Common Prayer or an Australian Prayer Book or A Prayer Book for Australia or any other Prayer Book authorised for use within the Diocese.<sup>3</sup>

*Faculties*

19. (1) Fabric, furnishings and ornaments of a church must not be added to, removed or altered except in accordance with a faculty from the Bishop.

---

<sup>3</sup> (Inserted by Act No 385/17)

(2) Application in writing for a faculty may be made by the incumbent and churchwardens of a church on the recommendation of the parish council after consultation with the relevant Archdeacon and otherwise in such manner as the Bishop prescribes from time to time.

### **Division 3 - The incumbent of a parish**

#### *Incumbent's rights to use churches and buildings of parish*

20. The incumbent of a parish shall have use of the church or churches and other buildings of the parish and may exercise spiritual functions in the parish and its buildings and is entitled to have the keys of the church and buildings and access to the sacred vessels and valuables of the church.

#### *Rectory*

21. (1) Each parish shall provide for the incumbent a rectory or other adequate residence complete with at least such necessary furnishings and fittings as are determined by the Bishop in Council.

(2) The incumbent of a parish must reside -

- (a) in the rectory of the parish or in such other residence provided in the parish as the parish council approves; or
- (b) if the Bishop and the parish council so approve, in another residence<sup>4</sup>.

(3) The incumbent must not, without the consent in writing of the parish council and of the Bishop in Council, let or otherwise dispose of the whole or any part of the rectory or other residence.

(4) A person who resigns or ceases to be the incumbent of a parish ceases to be entitled to reside in the rectory or other residence provided for the incumbent.

#### *Incumbent to keep certain records*

22. (1) The incumbent shall cause to be kept registers and records of the regular and occasional services of the church and of baptisms, admissions to communion, confirmations, marriages and funerals.

(2) The incumbent shall furnish to the Registrar such returns and reports, and at such times, as are required by the Bishop in Council.

#### *Incumbent to surrender control on resignation*

---

<sup>4</sup> Amended by Act 385/17: "in a residence outside the parish" removed and substituted with the words now appearing.

23. (1) A person, upon resigning or otherwise ceasing to be the incumbent of a parish, must surrender to the churchwardens the keys of the church or churches and other buildings of the parish and all valuables, books, records or other property of the parish.

(2) The churchwardens must, on request, give a receipt for anything surrendered in accordance with this section.

*Recovery of property*

24. The Bishop in Council may take such action as it deems necessary to recover any property not surrendered as required by section 23.

**PART 3 - PARISH COUNCIL AND OFFICERS OF PARISH**

*Constitution of parish council*

25. (1) The governing body of a parish is the parish council.

(2) The parish council consists of -

- (a) the incumbent;
- (b) if there are other stipendiary ministers of the parish, those ministers<sup>5</sup>;
- (c) the churchwardens of the principal church in the parish elected or appointed in accordance with Part 4;
- (d) the lay persons elected or appointed in accordance with Part 4;
- (e) the lay members of Synod of the parish who are not otherwise members of the parish council;
- (f) the lay person nominated under section 28 as a youth representative.

*Qualification for office*

26. A person is not eligible to be a member of a parish council under section 25(2) (except paragraphs (a) or (b)) unless he or she is an elector of the parish.

*Admission of members of parish council*

---

<sup>5</sup> Amended by Act 385/17: "full-time" deleted.

27. As soon as may be convenient after the appointment and election of members of the parish council, they shall be admitted to the office of member during divine service in the presence of the congregation.

*Youth representation on parish council*

28. (1) If a Parish has one or more youth organisations, that organisation, or those organisations jointly, may nominate up to 2 Parishioners aged at least 15 years of age from their Parish as members of the Parish Council. Persons nominated under this section do not have the right to vote until they are electors.

(2) If -

- (a) the youth organisation or organisations of a Parish do not exercise a right of nomination under this section within 6 weeks after an annual general meeting of the Parish; or
- (b) a Parish does not have a youth organisation -

the Parish Council may nominate up to 2 Parishioners aged at least 15 years of age from the Parish as members of the Parish Council for the purpose of this section.

(3) A person nominated under this section holds office as a member of the Parish Council until the next annual general meeting of the Parish and, if eligible, may be reappointed.

*Principal duty of Parish Council*

29. The parish council of a parish, under the direction of and in co-operation with the incumbent, must promote within the parish the whole mission of the church, pastoral, evangelistic, social and ecumenical. <sup>6</sup>

*General duties of parish council* <sup>7</sup>

29A (1) The parish council shall ensure that adequate provision is made for the proper preservation of and safe custody of the church registers and, in consultation with the incumbent, the sacred vessels and valuables of the church.

(2) The parish council shall provide for the collection of the offerings of the people.

---

<sup>6</sup> Amended by Act 385/17

<sup>7</sup> Inserted by Act 314/98

- (3) The parish council shall, subject to the **Stipends, Remuneration and Allowances Act 1994**, fix the stipend and allowances of the incumbent and other ministers of the parish.
- (4) The parish council shall maintain in good condition and repair all church property within the parish.
- (5) The parish council shall comply with such requirements about insurance, whether in relation to the church and buildings of the parish, public liability, clergy sickness and accident, or otherwise, as are specified by the Bishop in Council from time to time.
- (6) The parish council shall ensure that this Act and any other Act and any resolution of Synod relating to the administration of the parish is complied with in the parish.

*Financial responsibilities of parish council*<sup>8</sup>

29B (1) The parish council, subject to and in accordance with Part 5, shall arrange for money received by the parish to be deposited with a bank or such other institution as is approved by the Bishop in Council.

(2) The parish council shall ensure--

(a) that there are kept records of all receipts and payments of the funds of the parish, including funds of all centres of the parish and all organisations of the parish (other than funds to which sub-section (3) applies); and

(b) that the accounts of those funds are made up and closed as at 30 September each year;<sup>9</sup> and

(c) that the audited financial statements of those funds are laid before the annual meeting of the parishioners.

(3) If, with the approval of the parish council, there are separate funds for a church in a parish, the parish council shall ensure--

(a) that there are kept records of all receipts and payments of those funds; and

(b) that the accounts of those funds are made up and closed as at 30 September each year;<sup>10</sup> and

---

<sup>8</sup> Inserted by Act 314/98

<sup>9</sup> New date inserted by Act 345/04

<sup>10</sup> do.

(c) that the audited financial statements of those funds are laid before the annual general meeting of the parishioners.

(4) The parish council shall direct the administration of parish funds, subject to any specific trusts.

(5) The parish council may raise funds for the purposes of the parish by direct giving or such other appropriate means as it determines, subject to this Act.

(6) The parish council shall pay out of the funds at its disposal the stipends, remuneration and allowances of the incumbent and ministers of the parish and the salaries of any lay workers.

(7) The parish council shall pay promptly all accounts required to be paid under this or any other Act or by resolution of Synod.

*Delegation by parish council*<sup>11</sup>

30. A parish council may delegate to the churchwardens of a church in the parish, or to the members of a committee appointed by the parish council, any of the duties of the parish council under section 29B(1), (2) or (3) as the parish council determines and on such terms and conditions as it determines but any such delegation does not prevent the parish council itself carrying out the duty.”.

*Duties of church wardens*

31. The churchwardens of each church in a parish -

- (a) must ensure that all things necessary for the due conduct of divine service in the church are provided;
- (b) must keep order in church and provide for the due seating of the people;
- (c) must ensure that there is kept an inventory of the furnishings and other property of the church;
- (d) must ensure that photographic records are kept of the furnishings and ornaments of the church;
- (e) must ensure that there are kept registers or records of the names and addresses of electors of the parish;

---

<sup>11</sup> Inserted by Act 314/98

- (f) must report to the parish council on -
  - (i) any expenditure necessary to preserve the fabric and furnishings of the church and other buildings; and
  - (ii) any expenditure necessary to keep the fences and grounds of the church and other buildings of the parish in good order;
- (g) must hand over to their successors the custody of the funds (if any) and all other property of the church, together with an inventory and the photographic records;
- (h) must do such other things as may be delegated to them with their consent by the parish council.
- (i) must report to the Bishop any irregularities in the performance of Divine Service or wilful neglect of duty or serious misconduct on the part of the incumbent.

*Duties of church wardens of principal church relating to rectory*

32. (1) The relevant churchwardens of the parish must report to the parish council on any expenditure necessary to keep the rectory and residences of the incumbent and clergy of the parish in good order and repair.

(2) The relevant churchwardens in the parish must inspect the rectory and other residences of the clergy of the parish at least once each year at a time convenient to the occupant of the rectory or residence.

(3) In this section, 'relevant churchwardens' means the churchwardens of the church of the parish nearest to the rectory or residence, as the case requires.

*Secretary of parish council*

33. (1) The parish council of a parish shall, at its first meeting each year after the annual general meeting, appoint from among its members a secretary of the parish council.

(2) The duties of the secretary of the parish council are:

- (a) to give adequate notice of meetings of the council to each member;
- (b) to keep minutes of the proceedings of meetings;

- (c) to conduct correspondence;
- (d) to prepare, in consultation with the incumbent, agenda for meetings and to circulate those agenda as determined by the parish council;
- (e) to perform such other executive functions as may be assigned to the secretary by the council;
- (f) to keep minutes of the parish annual meeting and make them available for perusal and to publish major decisions made at the annual meeting within one month after the meeting.

*Treasurer of parish council*

34. (1) The parish council of a parish, at its first meeting each year after the annual general meeting, shall appoint <sup>12</sup> a treasurer of the parish.

(2) The duties of the treasurer of the parish council are -

- (a) to present a statement of the financial transactions of the parish at each meeting of the council;
- (b) to ensure that copies of the audited financial statements are placed on a notice board at all churches in the parish at least 7 days before the annual general meeting;
- (c) to carry out such other duties as are assigned to the treasurer by the parish council.

*Restriction of voting powers of salaried officers of parish*

35. A salaried officer of a parish may be a member of the parish council but must not vote on a matter affecting his or her salary or the duties in respect of which the salary is payable.

*Vacancies*

36. If a lay member of the parish council is absent without leave from 3 consecutive ordinary meetings of the parish council, the parish council may declare the position vacant.

*Removal from office*

37. The Bishop -

---

<sup>12</sup> “from among its members” deleted by Act 385/17

- (a) after making due inquiry, may remove from office an elected or appointed lay member of the parish council if the Bishop is satisfied that-
  - (i) the member has been convicted of an indictable offence; or
  - (ii) the member refuses to conform to an Act of the Synod; or
  - (iii) the member has failed for 6 months to fulfil the duties of the office; or
- (b) on the advice of a committee consisting of not less than one-third of the members of the Bishop in Council that in its opinion the member is no longer fit to perform the duties of the office.

*Casual vacancies - elected members*<sup>13</sup>

38. (1) If there is a casual vacancy in the office of a member of the parish council (other than a churchwarden) elected by the annual meeting of a church in the parish, the parish council may appoint a person who is eligible to hold that office and who is an elector who attends that church to fill the vacancy.

(2) A special meeting of the parishioners of a church may appoint an eligible person to fill a casual vacancy in the office of an elected churchwarden of the church.

(3) A special meeting for the purposes of sub-section (2) shall be called on 14 days' notice.

*Casual vacancies - appointed members*<sup>14</sup>

39. If there is a casual vacancy in the office of a member of the parish council appointed by the incumbent from among the electors who attend a particular church in the parish, the incumbent may appoint a person who is eligible to hold that office and who attends that church to fill the vacancy.

*Casual vacancies left unfilled*

40. A vacancy in the office of a member of a parish council that is not filled in accordance with this Act (other than this section) within 2 months after the vacancy occurs, may be filled by a person nominated by the Bishop in writing given to the parish council.

---

<sup>13</sup> Inserted by Act 314/98

<sup>14</sup> do.

## PART 4 - MEETINGS

### Division 1 - Annual General Meeting of Parish

#### *Annual general meeting of parish*

41. (1) There shall be an Annual General Meeting of the parishioners of each parish.

(2) The meeting shall be held in November each year or, if the Bishop approves a later date for a parish, on such later date <sup>15</sup>.

(3) Notice of the meeting shall be published in each church of the parish at least 14 days before the meeting.

#### *Business at annual general meeting of parish*

42. At the annual general meeting of parishioners, after prayers and the signing of an attendance register by the electors present, the order of business shall be as follows:

- (a) the reading and confirmation of the minutes of the last annual general meeting;
- (b) the report by the incumbent;
- (c) the report of the parish council, including a report on the finances of the parish, the presentation of the audited balance sheet and other financial statements of the parish and the presentation of a budget for the financial year of the parish ending on the next 30 September <sup>16</sup>;
- (d) the reports of parish organisations;
- (e) a report by the parish council on the diocesan assessment payable by the parish in respect of the financial year commencing on the preceding 1 October <sup>17</sup>;
- (f) subject to section 42A, determination of -
  - (i) the number of members of the parish council (being not less than 2 and not more than 6 unless it is 9, 12

---

<sup>15</sup> Amended by Act 345/04

<sup>16</sup> New date inserted by Act 345/04

<sup>17</sup> do.

or 15) to be elected or appointed for the following year or, if a resolution under section 42A is in force, in the next election year within the meaning of section 42A; <sup>18</sup>and

- (ii) the number of those members to be elected or appointed from electors of the several churches of the parish, being not less than one for each church;
- (g) the appointment of a person who is a certified practising accountant or who holds a similar qualification to review the accounts of the parish or, if no such person is available, of 2 persons as joint reviewers; <sup>19</sup>
- (h) before the first session of each Synod, election of members of the Clergy Appointments Board in accordance with the **Appointments Act 1994**;
- (i) election of lay members and supplementary lay members of Synod in accordance with the **Synod Act 1970**, if the mandate of the Bishop has been issued for that election;
- (j) election of a mission secretary;
- (k) the election of 4 electors to represent the parish at Regional<sup>20</sup> Deanery meetings of whom 2 shall be elected as the primary representatives and 2 as the alternate representatives<sup>21</sup> ;
- (l) the appointment of a Parish Youth Contact person.
- (m) the appointment of a Parish Secretary for the Official Diocesan Newspaper.
- (n) any other business.

*Resolution about term of office of churchwardens and members of parish council*

- 42A. (1) The parishioners of a parish may, at an annual meeting of the parish, resolve that, instead of holding office until the next following annual meeting, the churchwardens and members of the parish council hold office until either the 2<sup>nd</sup>

---

<sup>18</sup> New words inserted by Act 349/05

<sup>19</sup> Amended by Act 385/17

<sup>20</sup> do.

<sup>21</sup> Amended by Act 314/98

or the 3<sup>rd</sup> annual meeting next following their election or appointment <sup>22</sup>.

- (2) A resolution made under sub-section (1) applies to the election and appointment of churchwardens and members of the parish council at the annual meeting of each church in the parish held in the year next following the year in which the resolution is passed and in each following election year.
- (3) A resolution under sub-section (1) may be varied or revoked by resolution of the parishioners at an annual meeting of a parish with effect from the annual meeting in the next following election year.
- (4) If a resolution under sub-section (1) is in force, a determination under section 42(f) relating to the number of members of the parish council shall not be made except at the annual meeting held in the year preceding an election year.
- (5) In this section, "**election year**", in relation to a parish in relation to which a resolution under sub-section (1) is in force, means a year in which the churchwardens and members are, or are to be, elected or appointed at an annual meeting in accordance with that resolution.

## **Division 2 - Annual Meeting of Church**

### *Annual church meeting*

43. (1) At each church in a parish, within one month after the annual general meeting of the parish, there shall be an annual meeting of electors who attend that church.

(2) Notice of the meeting shall be published during divine service at least 14 days before the meeting.

### *Business at annual meeting of church*

44. At each annual meeting of a church, after prayers and the signing of an attendance register by the electors present, the order of business shall be:

- (1) (a) the reading and confirmation of the minutes of the last annual meeting;

---

<sup>22</sup> New section inserted by Act 349/05

- (b) the report by the incumbent;
  - (c) the report by the churchwardens and other officers of the church (if any);
  - (d) the election of at least one elector, and not more than 2 electors as churchwardens;<sup>23</sup>
  - (e) the appointment by the incumbent of a person who is an elector as a churchwarden;
  - (f) election and appointment of members of the parish council of the parish in which the church is situated, being -
    - (i) if, under section 42(f)(ii), the church is entitled to 3, 6, 9, 12 or 15 members, two-thirds shall be elected by the meeting and one-third appointed by the incumbent;
    - (ii) if, under section 42(f)(ii), the church is entitled to 4 or 5 members, 2 shall be appointed by the incumbent and the remaining members elected by the meeting;
    - (iii) if, under section 42(f)(ii), the church is entitled to 2 members one shall be elected by the meeting and one appointed by the incumbent;
    - (iv) if, under section 42(f)(ii), the church is entitled only to one member, the member shall be appointed by the incumbent-and at least one of the members shall be a churchwarden of the church, except in the case of the principal church in the parish;
  - (g) the fixing of at least 3 consultative meetings of the electors during the year;
  - (h) any business referred to the meeting by the annual general meeting of the parish;
  - (i) any other business.
- (2) sub-section (1)(a), (b), (c) and (h) do not apply to an annual meeting of a church which is the only place where divine service is regularly held in the parish.

---

<sup>23</sup> Amended by Act 385/17

- (3) Paragraphs (d), (e) and (f) of sub-section (1) do not apply to an annual meeting of a church in a parish in relation to which a resolution under section 42A is in force unless the annual meeting is held in an election year within the meaning of that section.<sup>24</sup>

### **Division 3 - Annual Meeting of Committee of Parishioners**

#### *Committee of parishioners where place of worship not a church*

45. (1) If, in a parish, divine service is regularly held in a place that is not a church or other building of the parish, the electors who worship at such services may within one month after the annual general meeting of the parish, hold an annual meeting.

(2) Notice of the meeting shall be published during divine service at least 14 days before the meeting.

(3) At each such annual meeting, after prayers and the signing of an attendance register by the electors present, the order of business shall be -

- (a) the reading and confirmation of the minutes of the last annual meeting (if any);
- (b) a report by the incumbent;
- (c) a report by the retiring committee (if any) of the parishioners;
- (d) the election of 2 electors as members of the new committee of parishioners;
- (e) the appointment by the incumbent of 1 elector as a member of a new committee of parishioners;
- (f) the fixing of at least 3 meetings of the parishioners during the financial year;<sup>25</sup>
- (g) any business referred to the meeting by the annual general meeting of the parish;
- (h) any other business.

---

<sup>24</sup> New section inserted by Act 349/05

<sup>25</sup> Amended by Act 345/04

## Division 4 - Elections

### *Nominations*

46. (1) A nomination for election shall be made on a form approved by the Bishop in Council which -
- (a) includes a declaration by the nominee that he or she is an elector of the parish; and
  - (b) is signed by a proposer and seconder and by the nominee.
- (2) A nomination shall be delivered to the incumbent or the parish secretary not less than one week before the meeting and a copy or details shall be displayed on appropriate church notice boards as soon as practicable after receipt.<sup>26</sup>

### *Elections*

47. (1) If at a meeting the number of nominations received under section 46 is equal to or less than the number of vacancies to be filled, the persons nominated and eligible for election shall be declared to be elected.
- (2) If at a meeting at which an election is required the number of persons nominated exceeds the number to be elected -
- (a) 2 scrutineers shall be appointed by the meeting;
  - (b) each elector shall be supplied with a ballot paper in such form as the person presiding at the meeting directs;
  - (c) the ballot shall be conducted in such way as that person directs;
  - (d) the scrutineers shall count the votes, discarding any that are illegible or contain more than the required number of names and shall report the result to the person presiding at the meeting;
  - (e) the person presiding shall report the result of the ballot to the meeting.

### *Failure to hold a meeting or elect*

48. (1) If a parish or church fails to hold a meeting as required by this Act, the Bishop may take such steps as he decides are necessary for the holding of

---

<sup>26</sup> Amended by Act 349/05

the meeting or filling the vacant positions.

(2) If an annual general meeting of a parish or church fails to elect or appoint a person as required by this Act, the parish council may appoint an eligible person to the vacancy and, if the parish council fails so to do, the Bishop may take such steps as he decides are necessary for the filling of the vacancy.

(3) The Bishop may himself appoint persons to fill vacancies arising from a failure to elect or appoint, or elect or appoint validly.

### **Division 5 - General**

#### *First meeting of parish council*

49. (1) The parish council shall hold a meeting within 5 weeks after the annual general meeting.<sup>27</sup>

(2) Each member of the parish council shall, before undertaking the duties of the office of member, sign a declaration of qualification in the form prescribed by the Bishop in Council.

(3) The incumbent of the parish shall send to the Registrar the names of the secretary and treasurer appointed at the meeting in accordance with sections 33 and 34.

#### *Quorum for AGM, annual meeting or parish council*

50. The quorum -

- (a) for an annual general meeting, is 10 electors;
- (b) for an annual church meeting, is 6 electors;
- (c) for a parish council, is a majority of its members for the time being.

#### *Person to preside at meetings*

51. (1) If the Bishop is present at a meeting of the parish council or any other meeting in a parish, the Bishop is a member of the meeting, and may preside.

(2) Subject to sub-sections (1), (3) and (5), the incumbent of the parish shall preside at a meeting at which the incumbent is present.

---

<sup>27</sup> Amended by Act 349.05

(3) If the incumbent is unable for any reason to preside at the annual general meeting of the parish, the Bishop may appoint the Archdeacon of the area, or another person, to preside.

(4) The person presiding at a meeting, has a casting vote as well as a deliberative vote.<sup>28</sup>

(5) The incumbent may appoint another member of the council or meeting to preside at a meeting of the parish council or other meeting in the parish either generally or in the absence of the incumbent, but may at any time revoke such appointment.

(6) In the absence of a person able to preside at a meeting in accordance with the preceding sub-sections, the persons present at the meeting may appoint one of their number to preside.

*Assistant minister may attend parish meetings*

52. An assistant minister of a parish may attend meetings by invitation, but may not vote.<sup>29</sup>

## PART 5 - FINANCE

*Banking*

53. (1) All parish or church funds shall be kept in an account, or accounts, at a bank, or at another institution approved by the Bishop in Council.

(2) An account for funds referred to in sub-section (1) shall not be opened at a bank, or another institution without the authority of the parish council.

(3) Money shall not be withdrawn from an account except on the signature of 2 or more persons authorised by the parish council.

(4) The parish council shall keep a record of all accounts opened by the parish council or any parish organisation.

(5) In this section, "**church funds**" includes funds of parish organisations.

*Administration of funds*

---

<sup>28</sup> Amended by Act 314/98

<sup>29</sup> Amended by Act 385/17: "An assistant minister of a parish who is non-stipendiary, or stipendiary but not on a full-time basis, may attend meetings by invitation but may not vote" removed and replaced by the words now appearing.

54. The parish council shall administer its general funds subject to the following obligations and order of priority:

- (a) payment of the amounts given in the monthly invoices issued by the Registrar in respect of -
  - (i) the incumbent and other ministers of the parish, including amounts payable in respect of long service leave, the provident fund and insurance;
  - (ii) the parish assessment and all other outgoings;
- (b) payment of expenses incurred in the conduct of the parish's affairs;
- (c) payment of contributions from its funds towards the work of the Church beyond the parish in accordance with any diocesan scheme for parish giving for this purpose;
- (d) payment of reasonable expenses incurred by the clergy and lay representatives in Synod or conferences approved by the parish council;
- (e) payment of other expenses.

*Money raised by parish council to be used for Church purposes*

55. (1) Money raised in the parish by a person or organisation in the name of the Church shall be used for such purposes as shall be decided by the parish council, having regard to any views submitted to it.

(2) A parish organisation shall not raise funds except with the authority of the parish council, and must not borrow money.

*Borrowing*

56. (1) The parish council shall not borrow money for any purpose without the consent of the Bishop in Council.

(2) The Bishop in Council -

- (a) may approve a loan by way of overdraft of current account the amount of which does not exceed one fifth of the total income of the parish as shown in the last audited accounts or as estimated by the Bishop in Council;

- (b) may approve a special loan for an amount that does not exceed either -
  - (i) the aggregate income of the parish for the last 2 financial years as shown in the audited accounts or as estimated by the Bishop in Council; or
  - (ii) an amount which when aggregated with all existing debts of the parish would exceed the amount referred to in subparagraph (i);
- (c) must not approve a loan to replace or renew a loan the terms of which have not been complied with, unless the Bishop in Council determines that there are special circumstances;
- (d) must not approve a loan the period for repayment of which exceeds 20 years.

(4) Nothing in this section applies to a mortgage of property of the parish held by the Trusts Corporation.

*Parish funds*

57. (1) A parish council must ensure that the amount of parish funds held for the time being by the parish council (whether on deposit with a bank or other institution or otherwise than by the Trusts Corporation or on deposit with the Anglican Development Fund – Gippsland<sup>30</sup>) does not at any time exceed twice the amount of the invoices under section 54 (a) last received, or such lesser sum as the parish council determines from time to time.

(2) A parish council must ensure that parish funds, other than an amount or amounts not exceeding in total twice the amount of the invoices under section 54 (a) last received, or such lesser amount as the parish council determines from time to time, are deposited with the Registrar for investment -

- (a) by the Trusts Corporation on behalf of the parish; or
- (b) in the Anglican Development Fund – Gippsland<sup>31</sup>.

(3) If a parish, or the incumbent for the time being, or any organisation or church of a parish, is a beneficiary under any trust or is entitled to the income, or any part of the income of any property, the property of the trust or

---

<sup>30</sup> Amended by Act 385/17 previously “Diocesan Rolling Fund”

<sup>31</sup> do.

other property must be held by the Trusts Corporation, except to the extent that the terms of the trust or other deed otherwise provide.

(4) Nothing in sub-section (2) affects the right of a parish council to use parish funds in any manner it determines, subject to compliance with the terms of any trust or conditions applying to the use of the funds.

(5) The Registrar must ensure that -

- (a) parish funds deposited with the Registrar for investment -
  - (i) are invested by the Trusts Corporation in accordance with the **Church Funds Act 2001**, whether in a common fund or otherwise; or
  - (ii) are invested in the Anglican Development Fund – Gippsland <sup>32</sup>;
- (b) parish funds are made available to the parish council for use as it determines;
- (c) interest earned on the investment of parish funds in accordance with this section is credited to the account of the parish in accordance with the terms of investment or as otherwise determined by the Bishop in Council;
- (d) appropriate accounting and other records are kept so that all transactions affecting parish funds are properly recorded;
- (e) statements and accounts of parish funds are provided to the parish council at least twice a year and at such other times as the Bishop in Council determines.

(6) In this section, "**parish funds**" includes money of the parish council or any church of the parish or any organisation of the parish or any church of the parish.

## **PART 6 – EPISCOPAL DISTRICTS**

*Inserted by Act No.344/2003*

### **Division 1 – Parish as Episcopal District**

58. *Parish may be declared to be an Episcopal District*

---

<sup>32</sup> do.

- (1) The Bishop in Council may declare that a parish is an Episcopal district if the Bishop in Council is satisfied on reasonable grounds that—
    - (a) the parish is not able for the time being to support a full-time incumbent; or
    - (b) the Bishop is for any reason unable to appoint a full-time incumbent to the parish.
  - (2) A declaration of a parish as an Episcopal district under this Division remains in force until it is revoked by the Bishop in Council.
59. *Ministry in Episcopal districts under this Division*  
The Bishop may make arrangements for—
- (a) a priest or deacon; or
  - (b) an authorised lay minister; or
  - (c) both a priest or deacon and an authorised lay minister—
- to provide ministry in an Episcopal district under this Division.
60. *Suspension of certain Acts*  
While a parish is declared to be an Episcopal district under this Division—
- (a) the **Appointments Act 1994** does not apply to the filling of the vacancy in the incumbency;
  - (b) the **Stipends, Remuneration and Allowances Act 1994** does not apply in relation to the parish;
  - (c) the application of this Act to the parish may be varied by the Bishop in Council at the request of, or with the consent of, the parish council.

## **Division 2 – Part of a Parish as Episcopal District**

### 60A. *Part of a parish may be declared to be an Episcopal District*

- (1) The Bishop in Council may declare that a specified part of a parish (in this section called "**the district**") is an Episcopal District if—

- (a) the parish council approves the making of such a declaration; and
  - (b) there is a congregation and suitable meeting place in the district; and
  - (c) the Bishop in Council is satisfied on reasonable grounds that the electors of the church are able to support a priest as priest in charge of the district, whether on a full time or part time basis.
- (2) A declaration of a district as an Episcopal District under this Division remains in force until it is revoked by the Bishop in Council.

60B. *Ministry in Episcopal District under this Division*

- (1) The Bishop may make arrangements for a priest to provide ministry in an Episcopal District under this Division.
- (2) The Bishop may also make arrangements for a deacon or an authorised lay minister, or both, to provide ministry in an Episcopal District under this Division.

60C. *Application of this Act and other Acts while Episcopal District under this Division is declared*

- (1) While a part of a parish is declared to be an Episcopal District under this Division, the boundaries of the parish are deemed to be altered so far as is necessary to exclude the area of the Episcopal District.
- (2) An Act, including this Act, other than the excluded provisions and Acts, applies in relation to the Episcopal District under this Division as if—
  - (a) the Episcopal District were a parish; and
  - (b) the priest in charge of the Episcopal District were the incumbent; and
  - (c) the reference in section 4(d) (*electors*) to "usually attended divine service in the parish" were, until the first annual meeting of the Episcopal District, a reference to "usually attended divine service in the church in the Episcopal District".

- (3) For the purposes of sub-section (2), the excluded provisions and Acts are—
- (a) such provisions of this Act as the Bishop in Council approves; and
  - (b) the **Appointments Act 1994**; and
  - (c) the **Stipends, Remuneration and Allowances Act 1994**; and
  - (d) such other provisions of other Acts as the Bishop in Council approves.
- (4) If the Bishop in Council so declares, the application of this Act or another Act to an Episcopal District under this Division, or to a parish out of which such an Episcopal District has been formed, may be varied at the request of, or with the consent of, the parish council of the Episcopal District or the parish, as the case requires.

60D. *Paynesville*

The part of the parish of Bairnsdale specified in the Schedule to the **Parish Administration (Episcopal Districts) Act 2003** is, and continues to be, an Episcopal District within the meaning of this Division until—

- (a) the Bishop in Council declares it not to be an Episcopal District under this Division; or
- (b) it is constituted a new parish, or part of a new parish, under section 8—

whichever first occurs.

## **PART 6A – SPECIAL MINISTRIES<sup>33</sup>**

### *Special ministries*

60E. Bishop in Council may approve governance arrangements for a non-parochial ministry.

## **PART 7- MISCELLANEOUS**

### *Safe Ministry clearance<sup>34</sup>*

---

<sup>33</sup> Inserted by Act 385/17

60F. A person elected or appointed to hold an office in a parish must not take up the position unless the person has a current Safe Ministry clearance issued by the Director of Professional Standards

*Appointments by incumbent*

61. (1) The holder of an office in a parish, other than a person elected at the Annual General Meeting or another general meeting of the parish, must be appointed by the incumbent<sup>35</sup>

(2) A person shall not act in an office referred to in sub-section (1) unless appointed to the office by the incumbent.

(2A) If a person appointed to or acting in an office referred to in sub-section (1) is to receive remuneration, the remuneration shall be as approved by the parish council.

(3) The incumbent may terminate the appointment of a person appointed under sub-section (1) but, if the person receives remuneration from the parish council, shall not terminate the appointment except after consultation with the parish council.

*Changes in order of service*

62. (1) A change in the mode of conducting any service which has been customary in a church shall not be introduced except as permitted under the Constitution of the Anglican Church of Australia and with the approval of the incumbent and electors who attend that church given at a meeting convened for the purpose of giving that approval.

(2) In the case of any disagreement, the matter shall be referred to the Bishop whose decision shall be final.

*Decisions by majority*

63. For the purposes of this Act, and subject to there being a quorum, a decision -

- (a) of a majority of the churchwardens of a church is a decision of the churchwardens;
- (b) of a majority of the members of a parish council is a decision of the council;
- (c) of a majority of a committee is a decision of the members of the committee.

*Notices*

---

<sup>34</sup> do.

<sup>35</sup> Amended by Act 385/17

64. A notice or document required to be given or served on a person for the purposes of this Act is given or served by being given personally to the person, or sent by certified mail addressed to the person at the person's usual or last known place of residence.

*Validity of decisions despite vacancy*

65. A proceeding of a meeting or decision by, the parish council, churchwardens of a parish or a committee is not invalid by reason only of a vacancy in the office of churchwarden or member of the council or committee.

*Disputes*

66. (1) Any doubt or dispute about the interpretation or operation of this Act may be referred to the Bishop in Council.

(2) A decision of the Bishop in Council about a matter referred under sub section (1) is final.

*Regulations*

67. The Bishop in Council may make regulations for the carrying out of this Act, including regulations prescribing forms for the purposes of this Act.

## **PART 8 - TRANSITIONAL**

*Repeal*

68. **The Parish Administration Act 1972** is repealed.

*Transitional*

69. (1) Despite section 68, **The Parish Administration Act 1972**, as in force immediately before the commencement of this section, continues to apply in relation to the preparation of accounts and reports for the year ending 31 December 1994.

(2) **The Parish Administration Act 1972** as in force immediately before the commencement of this section continues to apply in relation to vestries and councils as constituted under that Act until the first election of members of the parish council under this Act.

70. the period beginning on 1 January 2004 and ending on 30 September 2004 shall be deemed to be a financial year for the purposes of this Act.

Assented to 14th May 1994

Parish Administration (Amendment) Act 1995 No 294/95

Assented to 20th May 1995

Parish Administration (Amendment) Act 1998 No 314/98  
Assented to 16<sup>th</sup> May 1998  
Church Funds Act 2001 No 332/2001  
Assented to 19<sup>th</sup> May 2001  
Parish Administration (Amendment) Act 2003 No 344/03  
Assented to 17<sup>th</sup> May 2003  
Parish Administration (Amendment) Act 2003 No 345/04  
Assented to 22<sup>nd</sup> May 2004

## **PARISH ADMINISTRATION ACT 1994**

### **Section 67**

#### **REGULATIONS**

##### **1. Prescribed Forms**

Annual General Meeting of a Parish	PA42
Annual Church Meeting	PA43
Nomination for Election	PA46
Declaration of Qualification of a Parish Council Member	PA49_2
Notification of Office Holders	PA49_3

(Declared Bishop-in-Council 1/12/94)

##### **2. Regulations**

- 2.1 That a person proposing or seconding a nomination for election must be an elector as defined under Part 1 Clause 4 of the Act.

(Declared Bishop-in-Council 1/12/94)