

THE ANGLICAN CHURCH OF AUSTRALIA – DIOCESE OF NEWCASTLE

VARIATION OF TRUSTS FOR CHURCH TRUST PROPERTY WHICH FORM PART OF THE PARISH OF CHURCHES UNDER THE CARE OF THE BISHOP ORDINANCE

1. This Ordinance may be cited as the variation of trusts for church trust property which form part of the Parish of Churches under the Care of the Bishop Ordinance 2018
2. The Diocesan Council exercising the powers of the Synod determines that a new clause 80 of the Administration of Parishes Ordinance 2010 (with the subsequent renumbering of subsequent clauses) to read -
 - a. The Diocesan Council has determined that it is impossible and inexpedient to hold church trust property for a parish or church building on the original trusts where the Bishop and the Diocesan Council have by ordinary resolution
 - i. approved the dissolution of the parish; and/or
 - ii. resolved to transfer the church building to the Parish of Church Buildings under the Care of the Bishop.
 - b. The church trust property of a parish which has been approved for dissolution or dissolved shall form part of the Diocesan Mission and Ministry Trust 2018.
 - c. The church trust property of a parish associated with a church building which is transferred to become part of the Parish of Church Buildings under the Care of the Bishop shall form part of the Diocesan Mission and Ministry Trust 2018.
 - d. The Diocesan Chief Executive Officer shall ensure sufficient records are kept of property transaction under clause 80(c) to enable the Diocesan Council to consider changes to the vesting of remaining church trust property if required at some future point.
3. The Diocesan Council adopts as a Regulation under the Administration of Parishes Ordinance 2010 the regulation as prescribed in Schedule 1.

Schedule 1

Regulation 1

THE PARISH OF CHURCH BUILDINGS UNDER THE CARE OF THE BISHOP

1. This regulation may be cited as the Regulation for the Parish of Church Buildings under the care of the Bishop.
2. This regulation is made in accordance with the Administration of Parishes Ordinance 2010.

Definitions

3. In this regulation, the following definitions will apply –
 - a. "Administration costs" means the costs levied by the Diocesan Office for the administration of the financial affairs of the parish;
 - b. "Church" includes the church building;
 - c. "Church Congregation" means a congregation meeting for worship in a church of the parish;
 - d. "Congregational Income" means the freewill offering, donations, fundraising and other income of the church congregation but not including endowment income;
 - e. "Dissolved Parish" means an Anglican parish of which the church building used to be a part which has been dissolved;
 - f. "Dissolving Parish" means an Anglican parish of which the church building used to be a part for which a date for its dissolution has been determined by the Bishop;
 - g. "Endowment Income" means the income arising from investment of real and personal property of dissolved, dissolving or a former parish;
 - h. "Former Parish" means an Anglican parish which continues to exist of which the church building used to be a part;
 - i. "Ministry costs" means the costs associated with the ministry of the Chaplain and other ministry costs authorised by the Bishop;
 - j. "Operating costs" means the costs associated with keeping the church building (and any related buildings) in good repair, insured and open for use including worship;
 - k. "Ordinance" means the Administration of Parishes Ordinance 2010;
 - l. "this Parish" means the Parish of Church Buildings under the Care of the Bishop.

Approval to dissolve a parish

4. The Bishop, an Assistant Bishop, an Archdeacon, an Incumbent, an Incumbent of a Parish or the Diocesan Chief Executive may propose to the Bishop and the Diocesan Council that a parish be dissolved.
5. The Bishop and Diocesan Council shall determine the information to be provided with any proposal to dissolve a parish.
6. The Bishop and the Diocesan Council must be informed of any resolution of any formal meeting of the parish in relation to a proposed dissolution
7. The Bishop and the Diocesan Council must receive a copy of any written submission not exceeding a reasonable length from any elector of the parish in relation to a proposed dissolution.
8. The Diocesan Council with the concurrence of the Bishop may by ordinary resolution resolve that a parish be dissolved.

Approval of the transfer of a church building to this parish

9. The Bishop, an Assistant Bishop, an Archdeacon, an Incumbent of a Dissolving Parish, an Incumbent of a Parish or the Diocesan Chief Executive may propose to the Bishop and the Diocesan Council that a church become part of this parish.
10. The Bishop and Diocesan Council shall determine the information to be provided with any proposal to transfer a church building to this parish.
11. The Bishop and the Diocesan Council must be informed of any resolution of any formal meeting of the parish in relation to the proposed transfer of a church building to this parish.
12. The Bishop and the Diocesan Council must receive a copy of any written submission not exceeding a reasonable length from any elector of the parish in relation to the proposed transfer of a church building to this parish.
13. The Diocesan Council with the concurrence of the Bishop may transfer a church building from any parish to become part of this parish.

Priest to a church congregation meeting in a church building in this Parish

14. The Bishop shall whenever possible appoint a Priest for a church congregation of this Parish on such terms and conditions as the Bishop determines.
15. A Priest for a church congregation of this parish shall
 - a. Conduct divine service in the Church on Sundays;
 - b. Ensure the pastoral care of members of the church congregation;
 - c. Consult with the church wardens of the church congregation;
 - d. Undertake such other duties as agreed by the Bishop; and
 - e. Provide a report to the Bishop on 15th May and 15th November each year on the state of the church and the church congregation.

16. When and where a Priest for the congregation is convinced that the Church congregation is well-placed and willing to undertake a new work of ministry and mission, the Priest may authorise members of the congregation to undertake that work.

17. All ministry costs shall be met by the church congregation.

Churchwardens

18. The members of a church congregation shall meet in March each year on a date determined by the Chaplain to elect two Churchwardens. The duties of the Churchwardens shall be the duties prescribed for a Churchwarden in the Ordinance.

Congregational income

19. The congregation income shall be income of this Parish and shall be used to defray the costs associated with the church building, the church, the congregation and this parish.

20. The Trustees with the approval of the Diocesan Council may assign all or a portion of the endowment income to a church congregation.

Administration of the Parish

21. The Diocesan Chief Executive shall ensure the appointment of suitably qualified persons to record the financial transactions of the church congregation and provide a report each year to the church congregation.

22. The Churchwardens or the Diocesan Chief Executive shall approve the operational payments for the church and on behalf of the church congregation.

23. The costs of administering the church and the church congregation shall be levied on a cost basis to the Parish by the Diocesan Office.

Church Congregation Contribution to the Parish Contribution

24. Each church congregation will pay an annual contribution of \$2000 towards the Parish Contribution together with an 8% of its congregational income to towards the Parish Contribution.

Review

25. The Bishop shall cause a review of the church congregation and church building forming part of this Parish either once every two years or at such times as the congregational income is insufficient to meet the ministry and operating costs.

I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the 26th day of **April 2018**.