

THE ADMINISTRATION OF PARISHES ORDINANCE 2010

AN ORDINANCE to provide for the good order and government of congregations and parishes.

This Diocese takes its place in representing the reign of God as its community, servant and messenger. In fulfilling this vocation it conforms to the Fundamental Declarations of the Anglican Church of Australia and is guided by the Five Marks of Mission of the Anglican Communion which call us to:

- To proclaim the Good News of the Kingdom.
- To teach, baptise and nurture new believers.
- To respond to human need by loving service.
- To seek to transform unjust structures of society.
- To strive to safeguard the integrity of creation and sustain and renew the life of the earth.

BE IT THEREFORE Ordained and Ruled by the Bishop Clergy and Laity of the Diocese of Newcastle in Synod assembled as follows:

PART 1 - PRELIMINARY

Short Title

1. This Ordinance may be cited as the *Administration of Parishes Ordinance 2010*.

Repeal

2. The following Ordinances are repealed:
 - (a) the *Parish Administration Ordinance 1995* (known hereinafter as ‘the repealed ordinance’);
 - (b) the *Parochial and Diocesan Funds Ordinance of 1959*;
 - (c) the *Parish Contribution Ordinance 1979*; and
 - (d) the *Capital Growth Fund Ordinance 2001*.

Definitions

3. In this Ordinance, unless the context or subject matter otherwise provides, the word:-

Auditor	means a person qualified to undertake an Audit as defined in the <i>Australian Charities and Not for Profits Commission Act 2012</i> (Cth).
Bishop	means the Bishop of the Diocese of Newcastle and shall include the Commissary and/or the Administrator of the Diocese.
Centre	means a building used for corporate worship.

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Church	means the Anglican Church of Australia.
Church Building	means Church Property for which a primary use and purpose is the conduct of Divine Worship.
Church Property	means Churches, Rectories, Parish Halls, and other buildings vested in the Trustees of Church Property and used for church purposes.
Churchwardens	means an Elector appointed by the Incumbent and two Electors elected at the Annual General Meeting to those offices and shall be ex-officio members of Parish Council.
Clerk	means any person who has been duly admitted and ordained to the Holy Order of Bishop, Priest or Deacon in this Church, and who is licensed by the Bishop of Newcastle.
Communicant	means a member of this Church who has received Holy Communion on at least three occasions in the year one of which included Easter.
Diocesan Chief Executive	means the Diocesan Chief Executive appointed in accordance with the <i>Diocesan Management Ordinance 2003</i> .
Diocesan Council	means the Bishop acting with the advice and consent of the Diocesan Council established in accordance with the <i>Diocesan Council Ordinance 1929</i> .
Diocesan Work Health and Safety Policies	means the policies established in accordance with Part 10 of this Ordinance.
Divine Service	means any service approved by General Synod of the Anglican Church of Australia or such other services approved by the Bishop in writing.
Election Synod	means the first session of each Synod at which elections for the Diocesan Council are held.
Elector	means a communicant member of the Church whose name appears on the Electoral Roll.
Electoral Roll	means the roll of electors created in accordance with Section 38 of this Ordinance.
Exempt Parish	means a Parish which been determined by the Diocesan Council to be exempt from an Audit or Review in accordance with this Ordinance.
Expenditure	means in respect of a Financial Year, all money spent, expended, or committed by a Parish or Parish Organisation within that Financial Year, and includes all money from whatever source expended on behalf of or for the purposes of or in connection with a Parish or Parish Organisation, its activities or its ministry and includes any ex-gratia payments made by the Parish.
Experimental Pastoral Area	means an area designated as such under a repealed Ordinance.
Faculty	means the document signed by the Bishop authorising any furnishings, memorial or appurtenance in any Church Building or Parish building OR the document signed by the Bishop authorising the removal of any article installed by faculty.
Faithfulness in Service	means the Code of Conduct adopted in accordance with the <i>Professional Standards Ordinance 2005</i> .

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Financial Reports	means the minimum financial reporting requirements required to be completed by each Parish at least annually in accordance with this Ordinance.
Financial Year	has the same meaning as in section 69 of this Ordinance.
Income	means in respect of a Financial Year, all money received, raised by or contributed to or endowed upon a Parish or Parish Organisation within that Financial Year, and includes all money from whatever source received on behalf of or for the purposes of or in connection with a Parish or Parish Organisation, its activities or its ministry, not being sums to which section 87 apply.
Incumbent	means a Bishop, Priest or Deacon licensed as an Incumbent by the Bishop to the cure of souls of a Parish and in the absence of an Incumbent means the Locum Tenens appointed by the Bishop or where there is no Incumbent the Archdeacon for the area in which the Parish is located.
Incumbent Appointment Board	means the Board for the Parish established in accordance with the <i>Clerical Ministry Ordinance 2009</i> .
Member of this Church	means a baptised person who attends the public worship of this Church and who declares that they are a member of this Church.
Ministry Team	means the Ministry Team appointed in accordance with Part 6 of this Ordinance.
NAC	means Newcastle Anglican Corporation
Nett Income	means, in respect of a Financial Year, the difference between the Parish Income and Parish Offsets for that Financial Year.
Parish	means any cure of souls which has been described and designated in accordance with Part 2 of this Ordinance.
Parish buildings	means any buildings held for the purposes of the Church in that Parish or any part of such buildings.
Parish Contribution	means the share of Parish income payable to support diocesan ministries as determined in accordance with Part 9 of this Ordinance.
Parish Council	means the body established in accordance with Part 6 of this Ordinance.
Parish Councillor	means a person elected at the Annual General Meeting of the Parish or appointed by the Incumbent pursuant to this Ordinance.
Parish Offsets	means, in respect of a Financial Year such expenditure within that Financial Year for specific purposes as Diocesan Council shall prescribe.
Parish Organisation	means every organisation or group formed approved or created under the auspices of the Parish and shall not be limited to organisations approved under any ordinance of this Diocese; or of Provincial Synod or under any General Synod Canon.
Parish Council Secretary	means the Secretary of the Parish Council elected by the Parish Council.
Parish Council Safety Delegate	Means the Safety Delegate elected by the Parish Council to undertake such roles as defined in the Diocesan Work Health and Safety Policies.
Parish Council Treasurer	means the Treasurer of the Parish Council elected by the Parish Council.

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Resourcing Team	means the committee responsible for managing the finances and buildings and related matters.
Review	has the meaning defined in the <i>Australian Charities and Not for Profits Commission Act 2012</i> (Cth).
Reviewer	means a person qualified to undertake a Review as defined in the <i>Australian Charities and Not for Profits Commission Act 2012</i> (Cth).
Standard Chart of Accounts	means a listing of all accounts used in the general ledger of a Parish in a standard format as approved by the Diocesan Chief Executive from time to time.
Statement of Exemption	means a statement issued by the Diocesan Chief Executive confirming that the Diocesan Council has exempted the Parish from Audit or Review.
Stipend obligations	means the payment of stipend, superannuation, stipend continuance payments, travel allowances, education allowances and long service leave contribution.
Trustees	means the Trustees of Church Property for the Diocese of Newcastle.
Writing	shall include postal and electronic communications including email and facsimile transmissions.

PART 2 – PARISHES

Parishes

4. The Diocesan Council may designate as a parish either the cure of souls:
 - (a) within a geographic area; or
 - (b) for a specific group of people.
5. The Diocesan Council may designate more than one Parish in a geographic area.
6. The Diocesan Council will recognise:
 - (a) a Parish comprising land and at least one Church Building providing that it:
 - (i) is committed to fulfilling the Five Marks of Mission of the Anglican Communion;
 - (ii) meets all stipend obligations and pays all amounts owing to the Diocese;
 - (iii) pays its Parish Contribution;
 - (iv) Complies with Diocesan Work Health and Safety Policies; and
 - (v) elects Synod representatives;
 - (b) a Parish with a Ministry Team but without any land or Church Buildings comprising land provided that it:
 - (i) is committed to fulfilling the Five Marks of Mission of the Anglican Communion;
 - (ii) meets all stipend obligations and pays all amounts owing to the Diocese;
 - (iii) pays its Parish Contribution;
 - (iv) complies with Diocesan Work Health and Safety Policies; and
 - (v) elects Synod representatives;

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- (c) such other Parish with or without Church Buildings which in the opinion of the Diocesan Council is:
- (i) an emerging community for mission and ministry not covered by Section 6(c); or
 - (ii) an existing Parish which is unable to:
 - (a) make a commitment to fulfilling the Five Marks of Mission of the Anglican Communion;
 - (b) meet its stipend obligations or pays all amounts owing to the Diocese without assistance;
 - (c) meet its Parish Contribution without assistance;
 - (d) comply with Diocesan Work Health and Safety Polices; and
 - (e) elect Synod representatives; or
 - (f) meet its obligations under the *Designated Fund Ordinance 2015*.

Boundaries at the commencement of this Ordinance

7. The Boundaries applying to Parishes at the commencement of this Ordinance shall be the boundaries which applied to them as a Parish, provisional district or experimental pastoral under the repealed Ordinance.

Diocesan Council may change the recognition and boundaries of a Parish

8. The Diocesan Council may create or vary the boundaries, description or the nature of recognition of a Parish on application from the Parish, an archdeacon or the Bishop.
9. Except as provided in Section 110, the Diocesan Council shall not consider any application to vary the boundary, description or the nature of recognition of a Parish unless any Parish directly affected by the application has been afforded an opportunity to make representation on the proposal to the Council in such manner as the Council shall determine.
10. The Diocesan Council shall report any action in accordance with Section 8 to the next ordinary session of Synod.

Appointing an Episcopal Delegate

11. Where the Diocesan Council has resolved in accordance with Section 8 to recognise a Parish in accordance with Section 6(c), it may at any time dissolve the existing Parish Council and appoint another Parish Council. This is to proceed following consultation with the parish at a convened Special Parish General Meeting called for that purpose.
12. Where the Diocesan Council has resolved in accordance with Section 8 to recognise a Parish in accordance with Section 6(c) the Bishop may appoint a suitably qualified person to act as an Episcopal Delegate to the Parish under the direction of the Bishop and who shall undertake such functions as determined by the Bishop. Such Episcopal Delegate will:
- (a) after due consultation with the Parish Council appoint a suitably qualified person, who need not be an elector of the Parish, as the Parish Council Treasurer;
 - (b) after due consultation with the Parish Council, appoint a suitably qualified person, who need not be an elector of the Parish, as the Parish Secretary;
 - (c) determine the priority of Parish expenditure having due regard for the stipendiary and salary obligations of the Parish;
 - (d) report to the Bishop on a regular basis; and
 - (e) be remunerated in the manner determined by the Bishop.

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13. The Bishop may instruct such Episcopal Delegate to undertake specific functions normally undertaken by the Incumbent. Where such instruction is given, the Incumbent may not undertake those functions until advised by the Bishop.
14. The Diocesan Council shall report to the next ordinary session of Synod any action it has taken in accordance with Section 12.

Ministry Issue not created by a change in the nature of recognition of a Parish or the appointment of an Episcopal Delegate

15. Unless the Bishop determines otherwise a ministry issue for the purposes of the Clerical Ministry Ordinance 2009 is not consequential on either:
 - (a) the change in the nature of recognition of a Parish in accordance with Section 8; or
 - (b) the appointment of an Episcopal Delegate in accordance with Section 12.

PART 3 – PARISH PROPERTY

16. All Parish applications to the NAC Board must be in accordance with the policies and procedures adopted by the NAC Board.
17. The approval of the Bishop and the NAC Board is required:
 - (a) before the purchase or acquisition of any land or buildings for church purposes;
 - (b) accepting any gift or legacy of land or buildings for church purposes;
 - (c) to construct, erect, alter, demolish or remove any Parish buildings or part thereof;
 - (d) for repairs and maintenance to a building costing in excess of the limits determined by the NAC Board;
 - (e) for the sale, purchase, exchange, leasing, or subdivision of real estate in the Diocese; or
 - (f) before establishing or changing a memorial garden, columbarium or cemetery.
18. The written approval of the Bishop is required before:
 - (g) a Parish may submit an application to the NAC Board for the erection, addition, removal, demolition of any building on Church Property; or
 - (h) the furnishings and fittings of a Church Building are added to, removed or altered.

Rectification

19. The Bishop may require a Parish to rectify the addition, removal or alteration of furniture and fittings of a Church Building made without the approval of the Bishop.

PART 4 – PROPERTY TRUSTS AND TRUST OBLIGATIONS

Limitations on the use of Church Property

20. A Church Building shall:
 - (a) not be used to celebrate divine service unless it is consecrated or licensed by the Bishop and sufficiently furnished with:
 - (i) a Holy Table with the prescribed books, linen and ornaments;
 - (ii) vessels for the administration of the Holy Communion;

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- (iii) a suitable Chair for presiding at worship;
 - (iv) a suitable place for preaching;
 - (v) a font;
 - (vi) printed or electronic versions of the service books authorised by General Synod including the Book of Common Prayer;
 - (vii) a lectern and a holy bible in a translation approved for use in public worship by the Bishop;
 - (viii) proper seating for the worshippers; and
 - (ix) proper means of keeping records and a suitable safe storage for them;
- (b) no Church Building shall be used for any purposes other than divine service, the administration of the sacraments and the performance of the rites and ceremonies of the Anglican Church of Australia or religious instruction and meetings of Electors held in accordance with any ordinance of the Diocese of Newcastle except with the authority in writing of the Bishop either generally, for a specific purpose or for a specific occasion and the consent of the Incumbent and Parish Council first having been obtained; and
- (c) no Church Property shall be used for any meeting without the consent of the Incumbent.

Non-Parish organisations must be insured and indemnify the Diocese

21. Any non-parish organisation or any individual using any Parish hall or building shall produce a copy of their insurance cover which shall extend to cover the hall or building concerned and shall indemnify the Diocese of Newcastle and Parish in which the hall is located.

Incumbent has right of access to Church Property used for Parish purposes

22. The Incumbent shall have access to the church and all other buildings used for Parish purposes at all times and shall administer the sacraments and such other rites as may from time to time be required in accordance with the rules of the Anglican Church of Australia without any hindrance from any person whomsoever except as hereinafter provided and shall have a key to all Church Buildings and other buildings used for Parish purposes.

Section 5 of the Governance During Australian Covid-19 Pandemic Emergency Ordinance 2020 provides "From 26 March 2020, the Bishop may issue directions to ensure compliance with any Public Health Order or similar instrument issued by the Minister for Health in relation to or during the COVID-19 Emergency Period, to the extent that is necessary, any direction issued by the Bishop may suspend the right of an Incumbent to have access to a church building granted in accordance with the Administration of Parishes Ordinance 2010. The Bishop suspended any right of entry to church buildings on 28 March 2020 and gave permission for entry in prescribed circumstances."

23. The right of a person (whether or not they are a member of this Church) to attend Public Worship or otherwise participate in the activities of a parish or parish organisation is subject to a licence between the Trustees, the Bishop and the person.
24. Incumbents, Ministers officiating at Public Worship, Churchwardens in a parish and persons designated by the Churchwardens to represent them at a church service or other gathering in a church building (Parish Official) must ensure the safety of any person attending Public Worship in that parish.
25. Where a Parish Official forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the parish of the Parish Official is breaching the peace, may breach the peace, is posing a risk to the safety of others or may pose a risk to the safety of others:

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- (a) the Parish Official may direct the person;
 - (i) to leave and not re-enter any land associated with the parish for a period up to eight (8) calendar days, and/or
 - (ii) to leave any event being conducted for or on behalf of the parish;
 - (b) such directions may be given verbally or in writing; and
 - (c) the Parish Official shall as soon as possible inform the Director of Professional Standards (or a delegate) and any other parish official of the parish of any notice given in accordance with this section.
26. An order given by a Parish Official other than the Incumbent may be revoked by the Incumbent, the Director of Professional Standards (or a delegate) or the Bishop.
27. Where the Director of Professional Standards forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the Parish may breach the peace, poses a risk to the safety of others or may pose a risk to the safety of others:
- (a) the Director of Professional Standards may make an order that a person:
 - (i) not enter any land associated with the parish or any other church property for a period not exceeding twenty-eight (28) calendar days; and/or
 - (ii) is prohibited from undertaking any or all activities or events associated with the parish, any parish or the diocese for a period not exceeding twenty-eight (28) calendar days; and
 - (iii) such orders must be in writing;
 - (b) where an order is made under subsection (a), the Director of Professional Standards shall ensure that the person is advised of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion;
 - (c) the Director of Professional Standards shall as soon as possible inform the Bishop, the Professional Standards Committee and all relevant parish officials of any notice given in accordance with this section; and
 - (d) in making such an order, the Director of Professional Standards is not required to provide reasons for the making of the order.
28. An order made by the Director of Professional Standards under Section 27 may be varied or revoked by the Professional Standards Committee or the Bishop.
29. Upon notification of any order made under Section 27, or otherwise, where the Professional Standards Committee forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the Parish may breach the peace, poses a risk to the safety of others or may pose a risk to the safety of others:
- (a) the Professional Standards Committee may direct the Director of Professional Standards to:
 - (i) issue a notice in writing to the person outlining the concerns and providing fourteen (14) calendar days for the person to respond to the concerns; and/or
 - (ii) issue a temporary order that may prohibit or restrict the right to enter any land associated with a parish or any other church property; and
 - (iii) advise the person of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion during the operation of any temporary order.

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- (b) the Professional Standards Committee, after the expiry of the period set out in Section 29(a)(i), shall proceed to consider any response from the person and:
- (i) may take no action;
 - (ii) may revoke any temporary order given in accordance with this section;
 - (iii) may issue a permanent order on terms that prohibit the person from attending certain events or undertaking certain activities associated with a parish or any other church property;
 - (iv) may issue a permanent order on terms that may prohibit or restrict the right to enter any land associated with a parish or any other church property; and
 - (v) shall advise the person of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion whenever an order is made in accordance with sub-sections (iii) or (iv).
- (c) the Professional Standards Committee shall as soon as practicable inform the Bishop, the Director of Professional Standards, and all relevant Incumbents and all relevant Churchwardens of any notice given in accordance with this section.
30. Where the Professional Standards Committee makes a permanent order in accordance with Section 29 the person may, within fifteen (15) working days, make an application to the Bishop for a review of the Order.
31. The Bishop may review the order in whatever manner he or she sees fit. Any decision of the Bishop shall be final. The Bishop is not required to provide reasons for such decision.
32. Any person who is the subject of an Order made in accordance with Section 29, may, after six (6) months from the issue of such Order, make an application to the Professional Standards Committee for review of the Order. Any further applications for review by the person may only be made at intervals of not less than six (6) months.
33. The Bishop may make regulations or policies governing the access to the ministries of the Church and the reception of the Holy Communion for any person affected by the issue of any orders under Sections 26 and 29.
34. Where action is taken in accordance with Sections 27–33 the Director of Professional Standards may at his or her discretion notify other parties about such action.

Property to be vested in the Trustees

35. When any person shall be desirous of providing real or personal estate for the benefit of a parish or a parish organisation of this Church within the Diocese of Newcastle such real and personal estate shall vest in the Trustees.

Procedure for transferring Trust Property

36. The local trustees of any church land shall transfer such land to the Trustees upon the original trusts and such conveyance or transfer when it has been accepted by the Trustees shall discharge the conveying or transferring or vesting trustees from all subsequent duties in respect of such trust.

Diocesan Council may exercise powers of Synod conferred by the Trust Property Act 1917

37. The Diocesan Council may during the recess of Synod exercise the powers contained in the *Anglican Church of Australia Trust Property Act 1917*. Where conclusive evidence of the discharge from the trusts of any local trustee is required it shall be given by a certificate under the Episcopal seal of the Bishop.

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Temporary and Permanent Trusts

38. Monies given subscribed or raised in any Parish on trust for specific trust associated with:
- (a) buildings or repairs;
 - (b) the purchase of property and furnishings; or
 - (c) such other specific purpose as the Trustees may from time to time determine;
- shall be remitted to the Trustees or the Anglican Savings and Development Fund to be held on trust on behalf of the Parish for the purpose so specified.
39. Such part of any monies arising:
- (a) from any bequest, donation, endowment or sale pursuant to a land sale ordinance which are to form part of a permanent endowment shall in all cases be deposited with the Trustees; and
 - (b) from bequest, donation, endowment or sale pursuant to a land sale ordinance which are to be held on a temporary basis shall be in all cases deposited with either the Trustees or the Anglican Savings and Development Fund.

Trustees to report on Trusts

40. The Trustees shall report to each election Synod all monies held by them on trust together with the accumulation of interest paid thereon.

Other property vested in the Trustees but for which the custody and care is the responsibility of the Incumbent or Churchwardens

41. The furniture of every church building, Parish hall or other Parish building and the Parish books, records and sacred vessels of every Parish belonging to the church and all other Parish furniture shall be deemed to be vested in and be the property of the Trustees provided always that:
- (a) the Incumbent shall have the care, custody and control of all the Parish registers, records, sacred vessels, furnishings in the Sanctuary; and
 - (b) and the Churchwardens shall have the custody, care and control of the other furniture and books of account and records.

Inventory of Parish Property to be kept

42. The Parish Council shall keep a complete and full inventory of all the furnishings, books, records and vessels and shall furnish a copy thereof when required to do so by an Archdeacon or the Diocesan Chief Executive.

PART 5 – PARISH MEETINGS

Electoral Roll

43. There shall be in every parish an electoral roll which shall be kept in the following manner:
- (a) An elector means a person who:
 - (i) is at least eighteen (18) years of age;
 - (ii) is baptised;
 - (iii) declares that he or she is a communicant member of this Church;
 - (iv) has signed the electoral roll; and
 - (v) regularly attends worship in the Parish.

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- (b) The Parish Electoral Roll shall enable a person to declare that he or she is a communicant member of this Church and shall contain the name, address, the signature of the person and, if the Parish has more than once Centre, the name of the Centre which that person normally worships;
- (c) The name of a person may be removed from the Parish Electoral Roll by the Churchwardens if that person:
 - (i) dies;
 - (ii) resigns;
 - (iii) becomes an elector in another parish;
 - (iv) ceases to regularly attend worship in the parish; or
 - (v) ceases to be a communicant member of this Church;
- (d) The electoral roll of a parish shall close on the day that the Incumbent gives notice of an Annual General Meeting or a Special General Meeting and shall remain closed until such meeting has been held.

Parish Annual Meeting

44. There shall be a Parish Annual General Meeting

- (a) which shall be held before the 31st March of each year or at such other time as the Diocesan Council may approve.
- (b) called by the Incumbent who shall ensure that a written notice shall be exhibited for a continuous period of fourteen days upon the main entrance to every Church building in the Parish or some other prominent place stating the time and place of the meeting and the meeting shall be announced at each service on the preceding two Sundays.
- (c) which shall have a quorum of ten electors
- (d) which shall have the following order of business after prayers
 - (i) The recording of those persons present by name.
 - (ii) The reading or tabling of previously circulated minutes and the confirmation of those minutes of the preceding annual general meeting.
 - (iii) The identification of any other business proposed by an elector and which the meeting agrees to consider at this meeting
 - (iv) The presentation and discussion of a written report relating to the mission and ministry of this Church in the Parish in the previous year together with goals and strategies for the succeeding year from
 - a. The Incumbent
 - b. The Ministry Team (if any)
 - c. The Resourcing Team (if any)
 - d. The Parish Council (if there is no Ministry Team and Resourcing Team)
 - e. Any parish organisation
 - (v) ^{xxix} the presentation of the Financial Reports of:
 - a. the Parish which is an Exempt Parish together with a Statement of Exemption from the Diocese Chief Executive;
 - b. the Parish together with the report of the Auditor or Reviewer;

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- c. any Parish Organisation with Income less than \$50,000 with:
 - i. a report from the Reviewer where the Parish Council has required an Audit or Review of the Parish Organisation; or
 - ii. a declaration from the Parish Council that it has not required an Audit or Review of the Parish Organisation;
 - d. any Parish Organisation with income in excess of \$50,000 together with the report of a Reviewer.
- (vi) The presentation and consideration of the parish budget.
 - (vii) The election of the Churchwardens.
 - (viii) The election of a Missions Secretary who shall be an ex-officio member of the Parish Council.
 - (ix) The election of other members of the Parish Council.
 - (x) The election of Synod representatives if necessary.
 - (xi) The election if necessary of Parish representatives to the Incumbency Appointment Board in accordance with the Clerical Ministry Ordinance 2009.
 - (xii) xxix Where the Income of the parish exceeds \$250,000 or is budgeted to exceed \$250,000 in the ensuing Financial Year, the election of an Auditor and where the Income of the Parish is less than \$250,000 and the Parish is not an Exempt Parish, the election of a Reviewer. The Auditor or Reviewer must be a person qualified in accordance with the requirements of the Ordinance, who shall hold office until the next annual general meeting; and
 - (xiii) Any other Parish business previously identified and approved for consideration at this meeting

Circulation of Papers

45. The Parish Council Secretary shall ensure that at least two Sundays prior to the Parish Annual General meeting the following reports are circulated to members of the Parish
- (a) The written reports relating to the mission and ministry of this Church in the Parish in the previous year together with goals and strategies for the succeeding year from
 - (xiv) The Incumbent
 - (xv) The Ministry Team (if any)
 - (xvi) The Resourcing Team (if any)
 - (xvii) The Parish Council (if there is no Ministry Team and Resourcing Team)
 - (xviii) Any parish organisation
 - (b) ^{xxix} the Financial Reports of the Parish together with the report of the Auditor, or the Reviewer or a Statement of Exemption; and
 - (c) The budget for the current financial year.

Voting at Annual Meeting limited to members of this Church

46. No person shall be permitted to vote at an Annual General Meeting or a Special General Meeting unless the name of that person appears on the Electoral Roll.

Special General Meeting to consider audited reports if reports not available to Parish Annual Meeting

47. ^{xxix} Where a Parish holds its annual general meeting at a time when the Financial Reports for the Financial Year have not been prepared as prescribed by this Ordinance, these shall be presented to a Special General Meeting of Electors within four weeks of receipt of the report of the Auditor

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or Reviewer or the declaration of the Diocesan Chief Executive being received by the Parish Council Treasurer.

Special General Meetings

48. The Incumbent shall, on receiving a direction in writing from the Bishop or on receiving a written requisition signed by at least seven electors, summon a general meeting of Electors other than the Annual General Meeting for the transaction of special business, such business and no other shall be transacted, and the provisions as to the summoning and the conduct of such meeting laid down for the Annual General Meeting in this Ordinance shall apply.

Centre Meetings

49. The Incumbent may call a meeting of electors who usually worship at a particular centre of the Parish by giving seven (7) days' notice of such a meeting. The agenda and procedures for a centre meeting shall be determined by the Parish Council.

PART 6 – MINISTRY TEAM, PARISH COUNCIL AND CHURCHWARDENS

Ministry Team

50. The Bishop may licence a group of lay people and clergy to form a Ministry Team to share with the Incumbent the leadership of mission and ministry in the Parish upon such conditions as the Bishop may determine.
51. The Bishop may establish procedures for discerning who should be members of the Ministry Team, lay preachers, lay liturgical assistants or chalice assistants.

Composition and Minimum Meetings of Parish Council

52. There shall be a Parish Council for every Parish and, except where permission has been sought in accordance with Section 103 for a different structure, it shall:
- (a) comprise, where the Parish is recognised in accordance with Section 6(a) and 6(b):
- (i) the incumbent;
 - (ii) any associate, assistant clergy licensed to the Parish;
 - (iii) the Officers of the Parish being:
 1. a Churchwarden appointed by the Incumbent; and
 2. two (2) Churchwardens elected by the members of the Parish; and
 - (iv) the Ministry Team being those clergy and laity licensed by the Bishop to be members of the Ministry Team;
 - (v) no more than three (3) people elected by the Parish Annual Meeting and no more than two (2) people appointed by the Incumbent within twenty-one (21) days of the annual meeting;
 - (vi) the Missions Secretary; and
 - (vii) shall meet at least five (5) times each year;
- (b) comprise, where the Parish is recognized in accordance with Section 6(a):
- (i) the Incumbent and any associate or assistant clergy licensed to the Parish;
 - (ii) the Officers of the Parish being:
 1. a Churchwarden appointed by the Incumbent;

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2. two (2) Churchwardens elected by the members of the Parish; and
- (iii) no more than five (5) people elected by the Parish Annual Meeting and no more than four (4) people appointed by the Incumbent within twenty one (21) days of the annual meeting; and
- (iv) the Missions Secretary; and
- (v) shall meet at least six (6) times each year;
- (c) comprise, where the Parish is recognized in accordance with Section 6(c),
 - (i) the Incumbent; and
 - (ii) such other members, who need not be members of the Parish, elected or appointed as the Diocesan Council shall from time to time determine; andmeeting as often as the Diocesan Council shall determine.

Parish Council

53. The Parish Council shall:

- (a) assist the Incumbent and Ministry Team (if any) to lead the mission and ministry of the Parish;
- (b) oversee and guide the affairs of the Parish to ensure that its day to day responsibilities are fulfilled;
- (c) ensure appropriate processes are in place in relation to people employed but not covered by the *Clerical Ministry Ordinance 2009*;
- (d) at each meeting consider matters relating to Work Health and Safety and examine compliance with Diocesan Work Health and Safety Policies;
- (e) have the power to do all that is convenient and necessary in the performance of its duties;
- (f) in performing its duties pay due regard to the mission and ministry of the Church;
- (g) appoint a suitably qualified person who need not be an elector of the Parish to be the Parish Council Treasurer and a suitably qualified person who need not be an elector of the Parish to be the Parish Council Secretary;
- (h) appoint a suitably qualified person who need not be an elector of the parish to be the Parish Council Safety Delegate; and
- (i) no later than 30th November in each year adopt a budget for the parish for the ensuing financial year and ensure that a copy of that budget has been circulated amongst Electors

provided however that no parish may authorise expenditure in excess of \$2,500 without the prior approval of the Diocesan Chief Executive or her/his delegate with the exception of expenditure arising from invoices raised by the Diocesan Office, utilities expenses or expenses related to ensuring health and safety.

Parish Resourcing

54. Where the Bishop has licensed a Ministry Team, the Incumbent and members of the Parish Council not being members of the Ministry Team shall meet, at least six (6) times a year, as a Resourcing Team with the delegated authority of the Parish Council to manage the stewardship, finances, buildings, safety and administration of the Parish subject to any direction from the Parish Council provided that the Incumbent may decide, in the case of doubt or uncertainty,

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whether a matter is to be managed by the Ministry Team or the Resourcing Team.

Returns

55. The Incumbent and Parish Council Secretary shall ensure that the Diocesan Chief Executive is:
- (a) advised of the names and contact details of the Parish Council Secretary, parish Council Safety Delegate and Parish Council Treasurer within seven days of their election;
 - (b) provided with a copy of the written reports, Financial Reports, Audit or Review and budget circulated to Electors; and
 - (c) provided with the Annual returns of the Parish by 31 March each year.

Membership Qualifications for Parish Council

56. No person shall be qualified:
- (a) to be a member of the Parish Council unless that person:
 - (i) is an elector of the Parish unless the Parish Council is formed in accordance with Section 52(c);
 - (ii) satisfies the requirements for being safe with children as determined by the Diocesan Council;
 - (iii) is not inhibited from holding office by a determination made in accordance with any Ordinance of this Diocese; and
 - (iv) completes the following declaration within twenty one (21) days of election or appointment:

“I, the undersigned, having been appointed a Ministry Team Member, Synod Representative, Churchwarden or Parish Councillor of do declare that I am duly qualified for the office under the provisions of this Ordinance, that I will conform to the ordinances of the Synod of the Diocese relating thereto and that I acknowledge that the provisions of Faithfulness in Service apply to me in the conduct of this ministry..”
 - (b) to be elected a Churchwarden or elected as a member of the Parish Council by the Annual Meeting or to be appointed as Churchwarden or as appointed a member of the Parish Council by the Incumbent if that person is a member of the Ministry Team.

Powers and duties of Churchwardens

57. In addition to the powers and duties of the Churchwardens prescribed elsewhere the powers and duties shall include:
- (a) to serve as the Executive Committee of Parish Council with such powers and duties, not including the powers and duties of any Ministry Team, as the Parish Council may determine;
 - (b) to ensure the Parish Council receives in writing by 31 March each year a report as to the condition of all Church Property in the Parish (if any);
 - (c) to advise the Incumbent, Parish Council and Diocesan Chief Executive promptly should they form the view that any Parish land, building or facilities has become unsafe, or that the Parish is unable to comply with all or part of the Diocesan Work Health and Safety Policies;
 - (d) to report to the Bishop any irregularities in the performance of services or neglect of duty by any licensed person;

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- (e) to advise the Bishop and/or Archdeacon in a timely manner if they have serious concerns about the health and wellbeing of any member of the clergy serving in a licensed ministry within the Parish; and
- (f) to carry out the tasks assigned to them by the Incumbent.

Term of Office

58. Any person appointed to an office or ministry in a Parish in accordance with this Ordinance shall hold office until the election or appointment of their successors provided that:
- (a) they may resign their office by notice in writing to the Incumbent;
 - (b) they may be removed from office in accordance with any Ordinance of this Diocese; or
 - (c) they shall cease to hold office where they were an Elector of the parish at the time of election or appointment and their name is removed from the Electoral Roll.

Filling vacancies

59. Where a vacancy occurs:
- (d) in an office or ministry in a Parish for which the Parish Council has the right of appointment it shall be filled by the Parish Council; and
 - (e) in an office or ministry for which the Incumbent has the right of appointment it shall be filled by the Incumbent.

Leave of absence

60. A member of the Parish Council may be granted leave of absence from meetings of the Parish Council but in the event of being absent without leave of the Parish Council for three consecutive ordinary meetings that person's office may be declared vacant by the Parish Council.

Bishop is President of all Parish Entities

61. The Bishop shall be President of all Parish Councils, Parish Organisations and like bodies throughout the Diocese and shall ex officio be a member of all such councils, Parish Organisations and other bodies and when present may preside at any meeting held under or in connection with this ordinance but in such case the right of the Incumbent to have a seat or to vote at such meeting shall be preserved.

Exercising the functions of President in the absence of the Bishop

62. The Bishop may delegate the Presidential function to the Assistant Bishop, an Archdeacon, the Diocesan Chief Executive or other suitably qualified person by notice in writing delivered to the Incumbent and Parish Secretary:
- (a) for a specific meeting;
 - (b) generally in relation to a specific Parish; or
 - (c) generally in relation to a specific purpose.

Parish organisations subject to the direction of the Parish Council

63. All Parish Organisations are responsible to the Parish Council for the overall conduct of such organisation and are obliged to accept such direction from the Parish Council as may be given from time to time.

Chairing Parish Meetings

64. The Incumbent shall, in the absence of the Bishop or other delegated person, be the Chairperson of all meetings of the Parish Council and Parish Organisations and all other meetings held under

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or in connection with this ordinance. The Incumbent may appoint a person to act as Chairperson at any meeting in the Parish. In the absence of the Incumbent if no such appointment has been made the meeting may elect one of its own members to act as Chairperson of such meeting.

Chair of meetings has a deliberative and casting vote

65. The President or Chairperson of any meeting shall have one vote only except in the case of an equality of votes being recorded on any matter or question submitted to any such meeting when the President or Chairperson shall also have a second or casting vote.

Calling meetings of the Parish Council

66. The Parish Council shall meet as required by this Ordinance and shall be called in the following manner:
- (a) a special meeting of the Parish Council may be held immediately following the annual meeting to elect a Parish Council Secretary and Parish Council Treasurer;
 - (b) the first ordinary meeting of the Parish Council shall be held within thirty (30) days of the Annual General Meeting and at other times as determined by the Parish Council; and
 - (c) the Incumbent may or at the request of a majority of members shall call a meeting of the Parish Council at any time after not less than seven clear days' notice.

Quorum

67. The quorum for the Parish Council shall be one half of the number forming the Parish Council.

Voting at Parish Council

68. All matters to be determined by the Parish Council shall be decided by the members of the Parish Council by a simple majority.

PART 7 – FINANCIAL MANAGEMENT

Financial Year

69. The financial year for the Parish and all organisations within the Parish shall be from the 1 January to 31 December in each year.

Depositing and Expending Funds

70. Each Parish Council and Parish Organisation shall undertake their banking in accordance with any determination made in accordance with the Designated Fund Ordinance 2015 and in the absence of such determination through a bank, building society or credit union approved by the Diocesan Chief Executive.
71. Any withdrawal on such accounts:
- (a) by cheque or other means shall be authorised by two (2) persons nominated by the Parish Council or Parish organisation;
 - (b) in addition to the persons authorised by the Parish Council or Parish Organisation, the Incumbent, the Parish Council Secretary and the Parish Council Treasurer shall be authorised signatories for every account held by the Parish Council or Parish Organisation; and
 - (c) the Parish Council may by resolution authorise the withdrawal of funds from accounts held by any Parish Organisation

provided however that no parish may authorise withdrawal of funds in excess of \$2,500 without

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the without the prior approval of the Diocesan Chief Executive or her/his delegate with the exception of withdrawal of funds associated with payments for invoices raised by the Diocesan Office, utilities expenses or expenses related to ensuring health and safety.

Accounting Records

72. The Parish Council Treasurer shall ensure the proper recording of the financial affairs of the Parish and provide a statement of income and expenditure to each ordinary meeting of the Parish Council and to each ordinary meeting of the Resourcing Team (if any).
73. Immediately after the Annual General Meeting the outgoing Treasurer shall deliver to the new Treasurer all parish accounting records, statements, documents, cheque books and related material in their possession. All financial records shall be stored in a suitable, secure manner for a period of seven years.

Accounts to be audited

74. The Parish Council Treasurer will prepare or cause to be prepared the annual Financial Reports of the Parish for each Financial Year. These Financial Reports:
- (a) should be prepared as “Special Purpose Financial Reports” in accordance with the guidelines issued by the Australian Charities and Not for profits Commission;
 - (b) must contain the following information as a minimum:
 - (i) a “Statement of Surplus or Deficit” which includes a summary which gives a true and fair view of all Income received by the Parish and all Expenditure made by the Parish during the Financial Year;
 - (ii) a statement of all assets and liabilities of and in connection with the Parish as at the end of the Financial Year that gives a true and fair view of the state of affairs of the Parish at the end of that Financial Year;
 - (iii) a description of any incoming receipts which represent capital, according to whether or not that capital is a permanent endowment; and
 - (iv) such other information or disclosures as determined from time to time by the Board of the Newcastle Anglican Corporation; and
 - (c) be accompanied by a statement from the Parish Financial Treasurer confirming that to the best of his or her knowledge and belief the Accounting records have been maintained in accordance with the requirements of this Ordinance and Section 10 of the Parish Handbook.

Parish Accounting Records to be Audited or Reviewed

75. The Diocesan Council may exempt a Parish from the requirement to undertake an Audit or Review where the Parish maintains its accounting records utilising accounting software approved by the Diocesan Chief Executive, maintains its accounting records utilising the Standard Chart of Accounts approved by the Diocesan Chief Executive, and meets such other conditions for exemption from Audit or Review as may be determined by the Board of the Newcastle Anglican Corporation.
76. The Audit or Review of the finances of the Parish shall be undertaken in the following manner:
- (a) where a Parish has Income in excess of \$250,000 in any Financial Year an Audit of the Parish shall be undertaken as an Audit of a medium sized charity in accordance with the *Australian Charities and Not for profits Commission Act 2012*;
 - (b) where a Parish has Income less than \$250,000 and is not an Exempt Parish, a Review of the Parish shall be undertaken as a Review of medium sized charity in accordance with

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the *Australian Charities and Not for profits Commission Act 2012*;

- (c) where a Parish has Income less than \$250,000 and has been determined to be an Exempt Parish, it will not be required to undertake an Audit or Review; and
- (d) where the Income of a Parish Organisation exceeds \$50,000 or where the Parish Council has determined that the finances of the Parish Organisation be reviewed, a Review of the Parish Organisation shall be undertaken as a Review of a medium sized charity in accordance with the *Australian Charities and Not for profits Commission Act 2012*.

77. The Parish Council Treasurer and the treasurer of every other Parish Organisation which is required to undertake an Audit or Review shall submit to the Auditor or Reviewer the Financial Reports, accounting records statements and books, vouchers and other documents and such evidence relating thereto as the Auditor or Reviewer may require.

Auditors report to be considered by relevant body and by the Annual General Meeting

78. The report of the Auditor or Reviewer or the declaration from the Diocesan Chief Executive shall be tabled at the meeting next before the annual general meeting of the Parish Council for perusal before the annual general meeting.

Financial Report and Auditors Report to be circulated amongst Electors

79. The Parish Council shall ensure that the annual general meeting receives:
- (a) the annual Financial Reports of the Parish;
 - (b) the report of the Auditor or Reviewer, if required; and
 - (c) a copy of the budget for proposed Income and Expenditure for the current Financial Year.

Consideration of audited reports may be adjourned for further information

80. The annual general meeting shall receive such Financial Reports and the report or the Auditor or Reviewer or any declaration from the Diocesan Chief Executive and may adjourn for the purpose of further considering the same provided however the annual general meeting may require the Parish Council or Parish Organisation or the incoming Parish Council or Parish Organisation to provide further information.

Financial Reports to be submitted to the Diocesan Chief Executive

81. The Parish Council shall forward one copy of the Financial Report together with the report of the Auditor or Reviewer to the Diocesan Chief Executive within seven days of the annual general meeting.

Bishop and Diocesan Chief Executive may refer Financial Reports for further consideration

82. The Bishop or the Diocesan Chief Executive may refer the Financial Reports tendered to the annual general meeting back to the Parish Council or the Auditor or the Reviewer for a further report, explanation or information and such Parish Council, Auditor, or Reviewer shall report and supply such further information requested, notwithstanding that the term of office of one of the parties shall have ended.

Parish Trust Property for churches under the care of the Bishop

- 83.
- 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 shall ensure sufficient records are kept of property transaction under clause 83(c) to enable the Diocesan Council to consider changes to the vesting of remaining church trust property if required at some future point.

Insurance

- 84. The Parish shall participate in the insurance scheme established by the Diocese and shall meet the charges (including premiums, brokerage and any administrative fees) levied on the Parish as determined by the Diocese as a participant in that scheme. The Parish will not maintain any other insurance, without the written consent of the Diocesan Chief Executive.

PART 8 – PARISH RECORDS

Parish Records

- 85. All registers shall be the property of the Trustees and not the Incumbent by whom they are compiled and on the resignation suspension or removal from the cure of the Incumbent they shall subject to any direction from the Bishop surrender all the Parish records, books, registers under their control to the Secretary of the Parish Council who shall provide the Incumbent with a suitable receipt.
- 86. The Incumbent shall keep or cause to be kept, in a form approved by the Diocesan Council, and shall have the custody and control of proper registers recording all baptisms, confirmations, burials, marriages and services held in the Parish by any clerk or other member of the Anglican Church of Australia.
- 87. The Parish Council shall:
 - (a) have the custody, care and control of the Parish books, registers and records during any vacancy in the cure of souls and the Secretary of the Parish Council shall hand the same to the succeeding Incumbent on appointment when taking up residence and shall obtain a receipt from such person for such records; and
 - (b) provide the Incumbent with all of the books necessary for the keeping of such records and make provision for their safe custody.
- 88. The Incumbent and Parish Council may deposit registers and records not in use in such place or places as the Diocesan Council may approve.

Records may be searched for a fee

- 89. Every applicant for a search in the Parish register shall pay to the Parish Council a fee set by Diocesan Council and for any certified copy of any entry an additional fee set by the Diocesan Council and such fees shall be the income of the Parish.

Parish records to be available for inspection

- 90. All Parish buildings, all books, records, minutes and documents shall be open to inspection by the Diocesan Chief Executive, Archdeacon and the Area Dean who shall make a report of the Rector’s and Parish Council’s compliance with this ordinance or any direction given by the Bishop.

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PART 9 – PARISH CONTRIBUTION

91. In this Part:
- (a) the following applies:
 - (i) Financial Year has the same meaning as in Section 69 of this Ordinance;
 - (ii) Nett Income means, in respect of a financial year, the difference between the Parish Income and Parish Offsets for that financial year;
 - (iii) Parish Income means, in respect of a financial year, all money received, raised by or contributed to or endowed upon a Parish within that financial year, and includes all money from whatever source expended on behalf of or for the purposes of or in connection with a Parish, its activities or its ministry, not being sums to which subsections (d) (e) or (f) apply;
 - (iv) Parish Offsets means, in respect of a financial year such expenditure within that financial year for specific purposes as Diocesan Council shall prescribe;
 - (b) the Diocesan Council may publish guidelines with respect to the expenditure or classes of expenditure which will be allowed for the purposes of subsection (a);
 - (c) the Diocesan Council may, generally or in respect of a particular Parish or a particular expenditure or a particular financial year, disallow expenditure for the purposes of subsection (a);
 - (d) money received by a Parish on behalf of and on terms requiring payment to mission agencies shall not be accounted as Parish income;
 - (e) such portion of money endowed upon a Parish that is deposited on Permanent Trust with the Trustees and on such Temporary Trusts as approved by Diocesan Council shall not be accounted as Parish income; and
 - (f) the Diocesan Council may upon on its own initiative or on application of a Parish, either generally or otherwise, declare that money that would otherwise be Parish income shall not be included in Parish income.
92. Subject to this Part, a Parish is obliged to pay the Parish Contribution each year.
93. Subject to this Part, the Parish contribution in respect of a year is a sum determined in accordance with Schedule 1 of this Ordinance.
94. Every Parish:
- (a) shall forward to the Diocesan Chief Executive by 31st March in each year a statement setting out the Parish Income and Parish Offsets in respect of the previous financial year;
 - (b) where a Parish wishes to submit that, for any reason, its Parish Contribution for that year should be some other sum or nil, the statement required by subsection (a) shall be accompanied by a written submission setting out the reasons relied upon by the parish;
 - (c) where a statement under subsection (a) is received but no submission is received under subsection (b) the Diocesan Chief Executive shall issue a certificate under his hand setting out in respect of a Parish and in accordance with Section 93 the Parish Contribution for that year;
 - (d) where a Parish fails to comply with subsection (a) the Diocesan Chief Executive may:
 - (i) where a sum was determined in the previous year as the Parish Contribution – issue a certificate under his hand in respect of the current year setting the Parish

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Contribution as that sum plus ten per cent;

(ii) where no sum was determined in the previous year as the Parish Contribution – make a reasonable estimate of the Parish income for the previous financial year and issue a certificate under his hand setting the Parish Contribution at a sum equal to ten per cent of that estimate;

(e) a Parish aggrieved by a decision of the Diocesan Chief Executive under subsection (d) may request the Diocesan Council to review the decision; and

(f) a decision of the Diocesan Council by way of review shall be final.

95. Where:

(a) a Parish has made a submission under subsection 94(b) the Diocesan Chief Executive shall refer the matter to the Diocesan Council;

(b) the Diocesan Council may appoint a person (whether or not a member of the Council) to engage in discussion with the Parish Council and such other persons as he or she shall think fit and such person shall report to Diocesan Council;

(c) the Diocesan Council shall consider and determine a submission under subsection 89(b) and in its determination shall direct the Diocesan Chief Executive to issue a certificate under his hand in respect of the Parish in question setting out the Parish Contribution for that year as nil or such other sum as Diocesan Council shall direct; and

(d) a certificate under the hand of the Diocesan Chief Executive issued under subsection 94(c), 94(d) or 95(c) in respect of a Parish Contribution of a Parish in respect of a year shall be conclusive as to the obligation of such Parish in respect of that year.

96. Payment of the Parish Contribution shall:

(a) be made at such times as Diocesan Council may direct; and

(b) to ameliorate hardship, Diocesan Council may at any time make a direction either generally or otherwise, as it shall think fit.

PART 10 – WORK HEALTH SAFETY

Work Health and Safety

97. The Bishop may establish, alter, rescind or amend policies for the purposes of ensuring welfare, health and safety of people within the parishes and ministries of the Diocese, and to ensure compliance with the Work Health and Safety Act 2011, such policies to be known as Diocesan Work Health and Safety Policies.

98. The Parish, the Parish Council, Parish Officers and persons undertaking ministry or work within the parish shall comply with the Diocesan Work Health and Safety Policies.

99. The Bishop or the Diocesan Chief Executive may give a direction in accordance with the Diocesan Work Health and Safety Policies and shall within three (3) days of giving a direction ensure that any direction is recorded in writing.

100. The Bishop or the Diocesan Chief Executive may delegate the authority conferred in Section 99 provided that such delegation shall not limit the authority of the Bishop or Diocesan Chief Executive.

101. Where a parish is aggrieved by a direction of the Bishop, Diocesan Chief Executive or delegate given in accordance with Section 99 it may in writing request the Diocesan Council to review the direction provided that as far as is reasonably practicable the direction shall be complied with

until the review is completed.

102. A decision of the Diocesan Council by way of review shall be final.

PART 11 – ADDITIONAL POWERS AND RESPONSIBILITIES

Settling Disputes about this Ordinance

103. The Bishop shall:

- (a) settle and determine any doubt or dispute arising in reference to any matter subject to this Ordinance and may from time to time make directions for remedying any breach, error or omission related to the administration of a Parish. Any determination or direction from the Bishop shall be final; and
- (b) where this Ordinance delegates power or establishes procedures and requirements the Bishop may determine that those powers, procedures and requirements take precedence over similar powers, procedures or requirements established by any other Ordinance.

Limited application of this Ordinance to the Cathedral

104. In this section:

- (a) Subject to subsections (b) and (c), this Ordinance shall apply to the Cathedral Parish;
- (b) This Ordinance shall not apply to the Cathedral Parish to the extent that the *Cathedral Ordinance 1995*:
 - (i) deals with the same subject matter as this Ordinance; or
 - (ii) is otherwise inconsistent with this Ordinance.
- (c) The functions prescribed by this Ordinance for a Parish Council shall be undertaken by the Cathedral Chapter provided that the Chapter may delegate that function to the Cathedral Council unless the *Cathedral Ordinance 1995* prescribes that such function shall be undertaken by the Cathedral Chapter.

Notices in accordance with this Ordinance

105. Any notice to be given pursuant to this ordinance shall be given in writing to the Parish Council Secretary and a copy shall be provided to the Incumbent.

Diocesan Council may make policies and regulations

106. The Diocesan Council may make, alter or repeal regulations to assist with the implementation, interpretation or clarification of this Ordinance.

Exemption from the provisions of this Ordinance

107. The Diocesan Council may exempt any Parish from any part of the provisions of this Ordinance for such period and upon such conditions as the Diocesan Council may determine. The Diocesan Council shall report all exemptions granted to the next Ordinary Session of Synod.

The Diocesan Chief Executive may provide information and may charge a fee determined by the Diocesan Council

108. The Diocesan Chief Executive may provide information to the members of this Church or to the wider public which is not deemed to be private or confidential. The Diocesan Council may determine the fees to be paid for the provision of this information.

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Diocesan Chief Executive to ensure determinations of the Bishop or Diocesan Council in accordance with this Ordinance are recorded properly

109. The Diocesan Chief Executive shall ensure that any determination of the Bishop or the Diocesan Council according to this Ordinance is properly recorded. A copy of that determination certified by the Diocesan Chief Executive shall be prima-facie evidence of the matter therein contained.

Vacancies do not invalidate proceedings

110. No proceedings of any Council, Board or Committee operating in accordance with this Ordinance shall be invalidated in consequence of there being any vacancy therein at the time of such proceedings whether arising from the failure to appoint or elect the full number of members or any other cause.

Transitory Provisions

111. Any board member, churchwarden, Parish Council member or synod representative appointed under the repealed ordinance shall continue to hold office until their successor is elected or appointed in accordance with this or other relevant Ordinance.
112. The Diocesan Council shall at its first ordinary meeting following the commencement of this Ordinance determine the initial recognition of parishes in accordance with Section 6.

Amendment to Other Ordinances

113. The *Clerical Ministry Ordinance 2009* is amended by:
- (a) The inclusion of a new paragraph in Section 93 to read “(e) it has been recognised by the Synod in accordance with paragraphs 6(a)–6(c) of the Administration of Parishes Ordinance 2010.”
 - (b) By replacing all the words in paragraph 158(e) with the words “the office is for a Parish recognised in accordance with paragraph 6(d) of the Administration of Parishes Ordinance 2010.”

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PART 13 - SCHEDULES

Schedule 1

The Parish Contribution will be determined in the following manner:

- (a) every parish with Nett Income less than \$100,000 will be required to contribute \$6000;
- (b) every parish with Nett Income in excess of \$100,000 but less than \$200,000 will be required to contribute \$6000 plus 6.5% of Nett income in excess of \$100,000; and
- (c) every parish with nett Income in excess of \$200,000 will be required to contribute \$12,500 plus 8% of nett income in excess of \$200,000.

Schedule 2

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.

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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

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- 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.
- 16A. Whenever the Bishop is unable to appoint a Priest for a church congregation of this Parish the Bishop may appoint an Authorised Lay Minister on such terms and conditions as the Bishop determines and who shall be subject to the direction of a Bishop or Priest appointed by the Bishop.
- 16B. An Authorised Lay Minister appointed to undertake ministry in church forming part of the parish of churches under the care of the Bishop shall:
- a. Assist in the conduct divine service in the Church on Sundays;
 - b. Arrange for priests licensed by the Bishop to conduct services of the Holy Communion;
 - c. Ensure the pastoral care of members of the church congregation;
 - d. Consult with the church wardens of the church congregation;
 - e. Undertake such other duties as agreed by the Bishop; and
 - f. Provide a report to the Bishop on 15th May and 15th November each year on the state of the church and the church congregation.
17. All ministry costs shall be meet 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 6% 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.

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PART 12 - ORDINANCE ADMINISTRATION

Table of Amendments

Date	Current Section	Amending Instrument	Section Amended
26 July 2012	3	<i>Administration of Parishes Ordinance (Missions Secretary) Amendment Ordinance 2012</i>	3
23 August 2012	3	<i>Diocesan Work Health Safety Ordinance 2012</i>	3
	6(a)(iv)	<i>Diocesan Work Health Safety Ordinance 2012</i>	6(a)(iv)
	6(b)(iv)	<i>Diocesan Work Health Safety Ordinance 2012</i>	6(b)(iv)
	6(c)(ii)d	<i>Diocesan Work Health Safety Ordinance 2012</i>	6(c)(iv)
	52(d)	<i>Diocesan Work Health Safety Ordinance 2012</i>	53(d)
	52(g)	<i>Diocesan Work Health Safety Ordinance 2012</i>	53(g)
	53	<i>Diocesan Work Health Safety Ordinance 2012</i>	54
	52(h)	<i>Diocesan Work Health Safety Ordinance 2012</i>	50(a)
	56(c)	<i>Diocesan Work Health Safety Ordinance 2012</i>	57(c)
	91-96	<i>Diocesan Work Health Safety Ordinance 2012</i>	86A – 86F
22 May 2014	38	<i>Administration of Parishes Ordinance Amendment Ordinance 2014</i>	33
	39(a) – (b)	<i>Administration of Parishes Ordinance Amendment Ordinance 2014</i>	34
	69	<i>Administration of Parishes Ordinance Amendment Ordinance 2014</i>	65
30 July 2015	6(c)(ii)(f)	<i>Designated Funds Ordinance 2015</i>	6(d)(ii)
	69	<i>Designated Funds Ordinance 2015</i>	65
11 May 2017	3	<i>Newcastle Anglican Governance Reform Ordinance 2017</i>	3
	16 - 18	<i>Newcastle Anglican Governance Reform Ordinance 2017</i>	17 -25
27 July 2017	23 – 34	<i>Administration of Parishes Ordinance Amendment Ordinance #1 2017</i>	29A – 29K
26 April 2018	84	<i>Variation of Trusts for Church Trust Property which form part of the Parish of Churches under the care of the Bishop Ordinance 2018</i>	80
26 April 2018	Schedule 2	<i>Variation of Trusts for Church Trust Property which form part of the Parish of Churches under the care of the Bishop Ordinance 2018</i>	Schedule 1
26 April 2018	Schedule 1	<i>The Administration of Parishes Ordinance Amendment Ordinance 2018</i>	Schedule 1

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26 September 2019	31	<i>Administration of Parishes Ordinance Amendment (Safe Church Clarification and Insurance Scheme) Ordinance 2019</i>	31
	85	<i>Administration of Parishes Ordinance Amendment (Safe Church Clarification and Insurance Scheme) Ordinance 2019</i>	80A
25 October 2019	3	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	3
	9	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	9
	29	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	29
	44(d)(v)	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	44(d)(v)
	44(d)(xii)	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	44(d)(xii)
	45(b)	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	45(b)
	47	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	47
	55(b)	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	55(b)
	71(b)	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	71(b)
	74	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	74
	75	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	-
	76	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	-
	77	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	-
	78	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	75
	79	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	76
	80	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	77
	81	<i>Administration of Parishes Ordinance Amendment (Audit and Review) Ordinance 2019</i>	78
	82	<i>Administration of Parishes Ordinance Amendment</i>	79

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		<i>(Audit and Review) Ordinance 2019</i>	
26 March 2020	22	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Section affected by section 5 of COVID-19 Pandemic Emergency Ordinance
	44	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	45	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	46	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	47	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	48	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	49	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	Repealed
	53	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	53
	71	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	71
	98	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	93
15 May 2020	24	<i>Governance during Australian COVID-19 Pandemic Emergency Ordinance 2020</i>	24
26 November 2020	New Clause	<i>Resolution of Diocesan Council</i>	Schedule 2 Regulation 1 16A
26 November 2020	New Clause	<i>Resolution of Diocesan Council</i>	Schedule 2 Regulation 1 16BB
21 December 2020	44 – 49	<i>Circular Resolution of Diocesan Council</i>	44 - 49

2012 – v – xvi Amended by the Diocesan Work Health Safety Ordinance 2012

2014 – xvii – xix Amended by the Administration of Parishes Ordinance Amendment Ordinance 2014

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