

PAROCHIAL ORDINANCE 1969 - (AMENDMENT) ORDINANCE 1977

AN ORDINANCE

To repeal certain Ordinances; to amend the law relating to the order and good government of Ecclesiastical Districts, the appointment of Clergy and their conditions and tenure of office, the representation of Ecclesiastical Districts in Synod, the rights and duties of Clergy and Law Officers and for other purposes.

PREAMBLE

Be it ordained and ruled by the Bishop Clergy and Laity of the Diocese of Grafton in Synod assembled as follows:-

REPEAL

1. The Ordinances mentioned in the Schedule hereto are hereby repealed. Provided however that such repeal shall not affect or invalidate any act done or commenced or any appointment made under or by virtue of the said Ordinances and all persons elected or appointed thereunder and holding office at the commencement of this Ordinance shall remain in office as if this Ordinance had been in force at the time they were elected or appointed and they had been elected or appointed hereunder and this Ordinance shall apply to them accordingly.

SHORT TITLE

2. This Ordinance may be cited as the Parochial (Amendment) Ordinance 1977

INTERPRETATIONS

3. In this Ordinance unless the context or subject matter otherwise indicates the word:-
 - (a) "Bishop" means the Bishop of the Diocese or his Commissary if he be absent from the State or the Administrator of the Diocese if the See be vacant.
 - (b) "Bishop-in-Council" means the Bishop acting with the advice and consent of the Council of the Diocese.
 - (c) "Church" means the Church of England in Australia, or when applied to a building means a building licensed by the Bishop for the performance of Divine Service.
 - (d) "Church Buildings" means churches, halls, rectories and other buildings used for Church purposes.
 - (e) "Clergyman" means an ordained person licensed by the Bishop to exercise his ministry in this Diocese.
 - (f) "Corporate Trustees" means the Corporate Trustees of the Diocese of Grafton.
 - (g) "Council" means the Parochial Council of an Ecclesiastical District.
 - (h) "Diocese" means the Diocese of Grafton.
 - (i) "Duly Accredited Minister" means any minister holding the Licence, Authority to Officiate or Letters Testimonial of a Bishop in communion with this Church.
 - (j) "Ecclesiastical District" means any division of the Diocese constituted a separate Cure-of-Souls.
 - (k) "Essential Charge" means those contributions required by Ordinance to be made by Parochial Councils to the funds of the Diocese.

- (l) "Incumbent" means a priest instituted and inducted into a Cure-of-Souls.
- (M) "Member of the Church" means a baptised person who attends the public worship of the Church and who declares that he is a member of this Church and not a member of any other Church.
- (n) "Parochial Council" means the Parochial Councillors and Wardens of the District elected and appointed as hereinafter provided together with the clergy of the District.
- (o) "Pledge to the Diocese" means the contribution which a Parochial Council has promised to endeavour to contribute to the funds of the Diocese being greater in amount than the Essention Charge and in lieu of it.
- (p) "Registrar" means the Registrar of the Diocese.
- (q) "Parish Church" means the Principal Church in an Ecclesiastical District.
- (r) "Centre Church" is any Church, Hall or Building, other than a Parish Church, where a congregation gathers regularly for the purpose of worship and the administration of the Sacraments."
- (s) "Wardens" means the Church Wardens appointed or elected as Parish Wardens or Centre Wardens as hereinafter provided.
- (t) "Parish Wardens" are Wardens appointed or elected pursuant to Section 77 (a) or Section 78 (a) (i) of those ordinances as Wardens for a Parish Church.
- (u) "Centre Wardens" are Wardens appointed or elected pursuant to Section 77 (a) or Section 78 (a) (ii) as Wardens for the Centre Church.
- (v) Words importing the masculine shall in the case of Lay, not clerical persons, include the feminine, unless contrary is specifically indicated in the context or in any Act of Parliament.

THE ECCLESIASTICAL DISTRICTS

- 4. The Diocese, for the more effective carrying out of the mission of the Church, is divided into Ecclesiastical Districts, which shall be known as parishes and parochial districts as hereinafter provided.
- 5. The number of Ecclesiastical Districts and the boundaries of each shall be determined by the Bishop-in-Council and recorded in documents deposited in the Diocesan Registry.
- 6. The several parishes and parochial districts with their respective boundaries existing when this Ordinance comes into operation shall constitute the Ecclesiastical Districts of the Diocese for the time being and subject to the operation of this Ordinance shall continue to exist with their present status and boundaries.
- 7. The Bishop-in-Council may declare any area institution or other sphere in which a specialist ministry is carried on to be extra-parochial and the Bishop may license clergy to exercise their ministry therein upon such conditions as he shall determine.

DEFINITION OF BOUNDARIES

8. The Bishop-in-Council from time to time may alter or create the boundaries of any Ecclesiastical District. Provided that no motion for defining such boundaries shall be introduced except upon the report of a Boundaries Commission appointed by the Bishop-in-Council or upon the reception of a joint petition of the Incumbents and Parochial Councils of the Ecclesiastical Districts concerned.
9. Upon the adoption of such report or the granting of such petition particulars of the proposed alteration of boundaries or union or division of Ecclesiastical Districts shall be forwarded to the Incumbents and Parochial Councils of the Ecclesiastical Districts affected and also to the Churchwardens of any licensed Church within the affected area who may within a period of sixty days from the date of posting lodge an appeal with the Registrar against such proposed alteration union or division.
10. After the expiration of the sixty days the Bishop-in-Council shall consider any appeal and call for such evidence as it deems necessary and determine whether or not such proposed alteration union or division shall be confirmed with or without amendment.
11. Upon any confirmation the Bishop-in-Council shall define the new boundaries and shall appoint a date for them to take effect.
12. Every definition by the Bishop-in-Council of the boundaries of any Ecclesiastical District made in pursuance of this Ordinance shall be conclusive evidence of such boundaries. Any copy of or extract from such definition or the maps or plans that accompany the same if certified by the Registrar as being correct shall be prima facie evidence of the matter therein contained.

Liabilities to Diocese

13. The alteration of the boundaries of an Ecclesiastical District shall not be held to absolve that District from any existing obligation to contribute to Diocesan funds. The Bishop-in-Council shall determine the proportion of any such obligation to be borne by any Ecclesiastical District or portion thereof affected by any alteration of boundaries.

Designation of Districts

14. The official designation of each Ecclesiastical District shall be determined by the Bishop-in-Council and may from time to time be altered by it.

STATUS OF ECCLESIASTICAL DISTRICTS

15. Members of the Church who are desirous of having the area in which they reside constituted an Ecclesiastical District may forward a petition to the Bishop-in-Council asking that the area be constituted a Parish or Parochial District. The petition shall set forth:-
 - (a) That the members of the Church resident in the area engage to obey the Ordinance of Synod.
 - (b) That there is a duly licensed Church in the area and a suitable residence for the Incumbent.
 - (c) That the members of the Church resident in the area are willing and able to raise sufficient moneys:-

- (i) To provide by equal and consecutive monthly payments the stipend prescribed by Bishop-in-Council.
 - (ii) To pay such other allowances as shall be prescribed by Bishop-in-Council.
 - (iii) To pay to the Registrar such contributions as are required to be paid by Ordinance.
 - (iv) To meet all Church expenses within the area.
 - (d) The reasons why the members of the Church resident within the area deem it desirable that a separate Ecclesiastical District be constituted or that an existing Parochial District be raised to the status of a Parish.
16. Upon the granting of status as a Parish or Parochial District or the varying of status hitherto granted the Bishop-in-Council shall determine when the new status shall come into effect and the amount for the financial year or part thereof current to be contributed to diocesan funds.

Bishop-in-Council May Grant Relief

17. Bishop-in-Council may grant to any Ecclesiastical District such relief from its financial obligations to the Diocese as Bishop-in-Council deems to be desirable and expedient.

THE APPOINTMENT OF CLERGY

18. The appointment to the Cure-of-Souls in any Parish shall be made in accordance with the provisions of this Ordinance, and the like appointment in any Parochial District shall be made solely by the Bishop. Assistant Ministers shall be licensed by the Bishop after consultation with the Incumbent of the District concerned. The Bishop may issue General Licences and Authorities to Officiate as he sees fit.

Designation of Clergy

19. The priest licensed to the Cure-of-Souls in a Parish shall be designated Rector and the priest licensed to the Cure-of-Souls in a Parochial District shall be designated Vicar.

Revocation of Licences

20. The Licence of a Rector shall not be revocable without the consent of the holder except as provided by Ordinance.
21. The Licence of a Vicar shall be revocable by the Bishop upon three months' notice in writing after opportunity has been given to such Vicar to show cause before the Bishop why his licence should not be revoked.
22. The Licence of an Assistant Clergyman shall be revocable by the Bishop either by his own act or upon the request of the Incumbent of the District within which the licence is held upon one months' notice in writing after opportunity has been given to such clergyman to show cause before the Bishop why his licence should not be revoked.
23. A General Licence which enables the holder to fill a stipendiary position shall be revocable by the Bishop upon three months' notice in writing after the opportunity has been given to the holder to show cause before the Bishop why his licence should not be revoked.

24. All other General Licences and Authorities to Officiate shall be revocable by the Bishop without notice or cause assigned.

Resignation of Licences

25. Any clergyman may resign his Licence or Authority to Officiate upon three months' notice in writing to the Bishop.

Bishop to Determine Vacancy

26. The Bishop shall determine the date upon which any Cure-of-Souls shall become vacant. When such a vacancy is determined or the Incumbent is under suspension from office the Bishop may appoint a duly accredited minister to perform the ecclesiastical duties thereof during the time of such vacancy or suspension and such minister shall be entitled to such emoluments of the District as shall be determined by the Bishop in writing.
27. No permanent appointment shall be made in any District until arrangements satisfactory to the Bishop shall have been made for the payment of all stipends and allowances by the Parochial Council concerned.

PRESENTATION BOARD

28. There shall be for each Parish a Presentation Board consisting of the Bishop two Diocesan Nominators and two Parochial Nominators to present to the Bishop a priest for institution and induction into the Cure-of-Souls in the event of such Cure being vacant.

Diocesan Nominators

29. At the first Session of each Synod there shall be elected four clergymen to be Diocesan Nominators. The Bishop shall summon any two of them to any meeting of the Board and they shall be members of the Presentation Board at that meeting.

Parochial Nominators

30. At the Annual General Meeting of Parishioners of each Parish there shall be elected two persons who are members of the Parochial Council and who are qualified under Section 76 to be Parochial Nominators and at any meeting of the Board concerning that Parish they shall be members of the Presentation Board.

Vacancies

31. If the office of any Diocesan Nominator become vacant by death or resignation or any other cause during a recess of Synod the Bishop-in-Council shall appoint some other duly qualified clergyman to fill the vacancy until a fresh elections shall take place at the next Session of Synod. If the office of a Parochial Nominator shall become vacant as aforesaid the Parochial Council shall thereupon appoint some duly qualified person to fill the vacancy until a fresh election take place at the next Annual General Meeting of Parishioners. Provided that if the Parochial Council shall fail to make such appointment the Presentation Board may meet with one Parochial Nominator in attendance.

Meetings of the Presentation Board

32. After the date of a vacancy has been determined in the Cure-of-Souls in a Parish the Bishop giving not less than seven days' notice in writing shall summon a meeting of the Presentation Board for that Parish. The meeting shall be held at Grafton unless otherwise agreed to by the Bishop and Diocesan Nominators being members of the Board.

Conference of Bishop and Parochial Nominators

33. If either the Bishop or the Parochial Nominators so desire a conference may be arranged between him and them at an appointed place and at a time prior to the meeting of the said Board at which the Parochial Nominators may lay before the Bishop such information with regard to their Parish and the appointment of an Incumbent as they deem proper.

Nominators Not to Treat with Priests

34. No Nominator nor anyone on his behalf shall treat or communicate with any priest as to the possibility of his being presented to the vacant Cure-of-Souls.

Selecting a Priest for Presentation

35. The Bishop shall preside at meeting of the Board. Any member of the Board may nominate priests for presentation and when a priest has been selected by a majority of the Board it shall present him to the Bishop. If the Bishop is satisfied as to his suitability to the Cure and is prepared to institute him thereto he shall upon his acceptance thereof proceed to Institute him to the Cure-of-Souls.

Bishop May Refuse Presentation

36. The Bishop may refuse the presentation or adjourn the meeting for the purpose of considering it. If the Bishop should refuse the presentation the Board shall then select another priest and present him to the Bishop or may request the Bishop to adjourn the meeting to a date not more than twenty-one days thereafter.
37. If no presentation is accepted by the Bishop within three months from the date of the first meeting of the Board the right of appointment shall then vest in the Bishop alone.
38. The Parochial Nominators may in writing surrender their rights of nomination absolutely to the Bishop at any time after they are summoned to a meeting of the Presentation Board. If the Bishop and Diocesan Nominators do not agree on a priest for presentation within one month of the first meeting of the Board the right of appointment shall vest in the Bishop alone.
39. Three members of the Board shall form a quorum and if a quorum is not at the place and within three hours of the time appointed the right of presentation shall vest in the Bishop alone unless within seven days he should summon another meeting of the Board.
40. Reasonable expenses incurred by the Bishop and members of the Board shall be paid by the Council of the Parish to the Registrar.

Exchange of Cure

41. The Rector of any Parish within the Diocese may with the consent of the Bishop negotiate for an exchange of Cure with any other Priest and with the concurrence of the Presentation Board or Boards such exchange shall take effect.

Loss of Presentation Rights

42. If a Parish has not paid in full the stipend of its former Rector and its Essential Charge to the Diocese by the date set for the first meeting of the Presentation Board the right of nomination shall be exercised by the Bishop and Diocesan Nominators as if the Parochial Nominators had duly surrendered their rights.

TENURE OF INCUMBENTS

43. The tenure of Incumbents licensed on and after the first day of January 1970 shall be subject to the following limitations.

Incumbent's Licence to Terminate at Age of Sixty-five

44. The Licence of an Incumbent to a Cure-of-Souls shall terminate on his sixty-fifth birthday, unless renewed by the Bishop with the consent of the Presentation Board (if any) to a date not later than his seventieth birthday.

Appointment for a Period

45. The tenure of an Incumbent in a Cure-of-Souls shall be for a period of seven years.

Discussion as to Incumbent's Future

46. During the fifth year of the period the Bishop shall discuss with the Incumbent his wishes for the future exercise of his ministry.

Tenure May Be Extended

47. The tenure of the Incumbent may be extended by the Bishop with the consent of the Presentation Board (if any) for further periods each not exceeding three years and must be extended until the Bishop is able to offer the Incumbent another stipendiary position within the Diocese. The Incumbent if he so desires may be present at a meeting of the members of the Presentation Board before any decision is made.

Right of Resignation

48. The Incumbent may resign from the Cure-of-Souls at any time upon due notice as provided in clause 25.

RIGHTS AND OBLIGATIONS OF CLERGY

Rights of Incumbents

49. The Incumbent shall have the use of any Church buildings and grounds within or belonging to the Ecclesiastical District in which he is licensed to the Cure-of-Souls and he may exercise freely his spiritual functions therein without hindrance from any person whomsoever unless his licence is suspended or revoked.
50. The Incumbent shall have free access to all books of account and shall have the control of the keys of any Church buildings or grounds.

Churches to be Open

51. The Incumbent shall ensure wherever possible that the licensed Churches of the District be opened daily for the private devotion of worshippers.

Assistant Clergy

52. Assistant Clergy shall carry out their pastoral duties under the direction of the Incumbent.

Visiting Ministers

53. The Incumbent may invite any duly accredited minister to officiate in any licensed Church within the District for not more than one Sunday in three months without the sanction of the Bishop.

Appointment of Lay Workers

54. The organist, choirmaster, members of the choir, servers of the sanctuary, and the superintendent and teachers of the Sunday School shall, from time to time be appointed by the Incumbent and may be dismissed by him provided that appointments and dismissals of paid workers shall be made in consultation with the Parochial Council.

Registers and Records

55. The Incumbent with the Churchwardens shall keep or cause to be kept and have the custody and control of proper registers and records of Baptisms Confirmations Marriages and Funerals and of all regular and occasional services in such form as may be approved by the Bishop-in-Council and shall cause to be kept a record of all members of the Church resident within the District with their addresses.
56. Such registers and records shall be the property of the Church and not of the persons by whom they were compiled. On his leaving the Cure the Incumbent shall surrender all parochial registers books and records under his control to the Churchwardens who shall give him a receipt therefor. The Churchwardens shall have the custody of the said registers books and records during the vacancy and shall hand the same over to the succeeding Incumbent and receive his receipt therefor.

Absence from Cure

57. No Incumbent shall be absent from his Cure for a period of more than two weeks without the written consent of the Bishop.
58. All clergy shall be entitled to paid leave of absence from their positions for a period of four weeks in any one calendar year the date of such leave being decided in consultation with the Parochial Council. It shall be the responsibility of the Council to provide for the expenses and emoluments of any relieving clergyman during such leave.
59. If any Incumbent be under suspension from his ministry because of any charge to be heard or sentence passed by the Diocesan Tribunal he shall not exercise any of the rights under this Ordinance without the written permission of the Bishop.
60. If the licence of any clergyman be terminated by any cause provided for under an Ordinance of Synod he shall thereupon lose all and singular his rights privileges and emoluments held by him by virtue of his licence or under this Ordinance.

Accommodation

61. Clergy licensed to an Ecclesiastical District shall have accommodation provided free of charge to them at the cost of the Parochial Council. Such accommodation shall have fittings and furnishings as prescribed by the Bishop-in-Council from time to time.
62. The clergy shall unless exempted by the Bishop in writing reside in the accommodation provided within the boundaries of the district.

Stipends and Allowances

63. The clergy shall be paid by the Parochial Council by at least monthly instalments the stipend and allowances prescribed from time to time by the Bishop-in-Council.

MEETINGS OF PARISHIONERS AND ELECTIONS

64. Any Parish Church or Centre Church may hold an Annual Church Meeting in July each year but if such is to be held it should be held prior to or in conjunction with the Annual General Meeting of Parishioners for the Ecclesiastical District in which the Parish or the Centre Church is situate.
65. For every Ecclesiastical District on some day in July each year a meeting of parishioners hereinafter called the Annual General Meeting of Parishioners shall be held. The Annual Church Meeting of any Church may be held in conjunction with the Annual General Meeting of Parishioners.

Special Meetings

66. Meetings of the parishioners attending any licensed Church may be convened by the Incumbent and Churchwardens at their discretion or at the request of a least five parishioners of that Church.
67. A General Meeting of Parishioners may be convened at any time by the Incumbent and the Parochial Council at their discretion or at the request of at least ten parishioners.
68. The Bishop may require the convening of a Meeting of the Parishioners of any licensed Church or of an Ecclesiastical District. The Bishop may preside or nominate a person to preside at any such Meeting, and the Incumbent shall have the right to vote on any question submitted to the Meeting.

Notice of Meeting

69. At least fourteen days clear notice of any Meeting shall be given by notice in writing at each entrance of each licensed Church concerned and by announcement during each occasion of Divine Service within that period stating the time place and purposes of the meeting.

Quorum

70. At any such Meeting six Parishioners in addition to the Chairman shall be a Quorum.

Chairman

71. The Incumbent shall either be Chairman or appoint a Chairman for all meetings held under this Ordinance, except that the Bishop has the right to occupy the Chair at any meeting at which he is present or appoint a chairman for a meeting which has been convened at his request. If neither the Incumbent or Bishop be present and no appointment has been made, the meeting may elect its own Chairman.

Elections

72. If at any meeting at which an election is required to be held the number of persons nominated exceed the number to be elected for any office the procedure shall be as follows:-
 - (a) Two scrutineers shall be appointed by the meeting.
 - (b) Each elector shall be supplied with a ballot paper.
 - (c) The elector shall write legibly the office for which the ballot is being held and the names of the persons for whom he wished to vote up to the number to be elected for that office.

- (d) The scrutineers shall count the votes cast discarding any that are illegible or contain more than the required number of names and shall report the result to the Chairman.
- (e) The Chairman shall have a casting vote in the event of an equality of votes but shall not have an original vote.
- (f) The Chairman shall report the result of the ballot to the meeting.

Nominations

73. Nominations bearing the consent of the nominee may be made in writing prior to the meeting and verbally at the meeting if the nominee being present signifies his consent.

Qualifications of Electors

74. (a) Members of the Church of the age of eighteen year and upwards who have usually during the three months preceding the elections been active participants in the life and worship of the local congregation within the Ecclesiastical District where the election is to be held shall be qualified electors.
- (b) Provided that no person shall be an elector of two Districts at the one time; and that no member will be disqualified as an elector who has been temporarily absent from the Parish or unable, due to ill health to attend Divine Service.

Declaration

75. The Chairman may require any or all persons present at a meeting to subscribe a declaration as hereunder:-

"I, the undersigned A.B., do declare that I am a member of the Church of England in Australia."

Qualifications of Churchwardens and Parochial Councillors and Parochial Nominators

76. Churchwardens, Parochial Councillors and Parochial Nominators must be Communicant Members of the Church of the age of eighteen years and upwards and qualified electors.

Annual Church Meeting

77. At the Annual Church Meeting of any licensed Church after prayers the order of business shall be:-
- (a) The reading of the minutes of the preceding Annual Church Meeting and any special meetings held during the year if any have not already been confirmed.
 - (b) Presentation of a report by the Incumbent.
 - (c) Presentation by the Churchwardens of the financial statements of any funds of the licensed Church.
 - (d) The reading by the Chairman of Section 74 and 76 relating to the qualifications of electors and churchwardens.
 - (e) The appointment of one churchwarden by the Incumbent and the election of two churchwardens by the electors.
 - (f) The election of one or more auditors not being churchwardens.
 - (g) Presentation of reports by organisation of the licensed Church.
 - (h) Any other business..

Annual General Meeting of Parishioners

78. At the Annual General Meeting of Parishioners in any Ecclesiastical District after prayers the order of business shall be:-
- (a) The reading of the minutes of the preceding Annual General Meeting and any special meetings of parishioners held during the year if any have not already been confirmed.
 - (b) The presentation of reports by the Incumbent or any other officers of the District.
 - (c) The presentation of the financial statements of the District by the Treasurer of the Parochial Council.
 - (d) The reading by the Chairman of clauses 74 and 76 of this Ordinance relating to qualifications of electors churchwardens and parochial councillors.
 - (e) If an Annual Church Meeting of the Parish Church or a Centre Church is being held in conjunction with the Annual General Meeting of Parishioners
 - (i) One Warden for the Parish Church shall be appointed by the Incumbent and two Wardens elected by the Parishioners of the Parish Church.
 - (ii) One Warden for the Centre Church may be appointed by the Incumbent and two Wardens may be elected by the Parishioners of the Centre Church.
 - (f) The determination of the number of Parochial Councillors and the election of the proportionate number to be elected by the parishioners.
 - (g) The election of one or more auditors not being members of the Parochial Council.
 - (h) The election of a Missionary Secretary.
 - (i) If the Bishop's Mandate has been received there shall be elected the Synod Representatives required by the Mandate.
 - (j) The election in the case of a Parish of two Parochial Nominators qualified as under Section 30 of the Ordinance.
 - (k) The presentation of reports by Parish Organisations.
 - (l) Any other business.
79. The Incumbent may at the Annual General Meeting of Parishioners or within fourteen days thereafter, appoint one qualified person to be a member of the Parochial Council for each three persons elected as Councillors by such meeting.

CHURCH OFFICERS

Declaration to be Signed

80. Before any churchwarden or parochial councillor performs the duties of his office he shall subscribe a declaration in or to the effect of Form 1 hereunder. The office of any person failing to do so within sixty days of appointment or election shall be deemed to be vacant.

Form 1.

I, the undersigned, having been appointed or elected a Churchwarden or a Parochial Councillor of the Ecclesiastical District of do declare that I am duly qualified for the office under the provisions of the Parochial Ordinance 1969 and that I will faithfully perform all the duties of my office and conform to the Ordinance of the Synod of the Diocese of Grafton relating to that office.

81. Such declaration and signatures shall be permanently fixed in the Minute Book of the Parochial Council concerned.

Officers to be Admitted

82. So soon as may be convenient after the appointment and election of Church officers in any Ecclesiastical District the said officers shall be admitted into their offices during Divine Service in the presence of the congregation.
83. Churchwardens and Parochial Councillors shall hold office till the election or appointment of their successors, provided that any such officer may resign his office by notice in writing to the Incumbent.

Vacancies

84. Any vacancy occurring in the office of an elected officer before the Annual Meeting shall be filled by the Parochial Council and any vacancy occurring in the office of an appointed officer shall be filled by the Incumbent.

Leave of Absence

85. A Churchwarden or Parochial Councillor may be granted leave of absence by the Parochial Council from meetings thereof but in the event of an officer being absent without such leave from three consecutive duly convened regular meetings his office may be declared vacant by the Parochial Council.

Removal from Office

86. The Bishop-in-Council after making due enquiry may remove from his office any Churchwarden or Parochial Councillor for:-
- (a) Refusing or neglecting to conform to any provisions of an Ordinance relating to his office, or
 - (b) Ceasing to be qualified according to the provisions of this Ordinance.

Pending such enquiry the Bishop may suspend such Churchwarden or Parochial Councillor from office.

The Wardens

87. The powers and duties of churchwardens shall be:-
- (a) To co-operate with the Incumbent in the initiation conduct and development of the work of the Church, especially as it concerns the Church of which they are wardens.
 - (b) To ensure that all things necessary for the due conduct of Divine Service are provided.
 - (c) To keep order in Church and to provide for the due seating of the people and the collection of alms and other offerings.
 - (d) To ensure adequate provision is made for the proper preservation and safe custody of the Church Registers and all Church plate and other valuables.

- (e) To keep an inventory of all Church goods and movable property belonging to the Church of which they are wardens.
- (f) To report to the Parochial Council on:-
 - (i) Any expenditure necessary to preserve the fabric of the Church and other buildings and the furniture therein.
 - (ii) Any expenditure necessary to keep the fences and grounds in order.
- (g) To 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.
- (h) To attend the Bishop or Archdeacon whenever cited to a visitation.
- (i) To see that the accounts of any funds belonging to the Church of which they are wardens are made up and closed on the thirtieth day of June each year and that an audited statement of such accounts is laid before the Annual Church Meeting.
- (j) To hand over to their successors the custody of all funds goods and movable property belonging to the Church of which they are wardens with an inventory thereof.
- (k) The wardens of the Parish Church shall have the additional duty of reporting to the Parochial Council on any expenditure necessary to keep the residence of the clergy of the District in good order and repair.
- (l) To read and confirm the minutes of any meeting of the parishioners of the Church of which they are wardens within thirty days.
- (m) That the Wardens of the Parish shall ensure that a record of Pastoral Care Visitors and Thanksgiving Offerings is kept.

The Parochial Council

88. For every Ecclesiastical District there shall be a body called the Parochial Council which shall consist of:-

- (a) The Incumbent and any Assistant Ministers.
- (b) The Parish Wardens.
- (c) Such Centre Wardens as the Annual General Meeting of Parishioners shall nominate to the Parochial Council.
- (d) Such number (divisible by four) of Councillors from the whole District as shall be determined by the Annual General Meeting of Parishioners.

Three out of four such Councillors shall be elected by the said Annual General Meeting and the remainder shall be appointed by the Incumbent.

Function of Council

89. The primary duty of the Parochial Council is to co-operate with the Incumbent in the initiation conduct and development of the work of the Church both within the Ecclesiastical District and outside.

Committees of Council

90. The Council may appoint committees responsible and reporting to the Council to organise various aspects of the work of the Church.

Meetings of Council

91. The Council shall meet at least once in every three months, provided that the first meeting shall be held not later than one month after the Annual General Meeting of Parishioners and at this first meeting the minutes of the Annual General Meeting of Parishioners shall be read and confirmed. The dates of subsequent meetings shall be determined by the Council.

Quorum

92. At meetings of the Council six members or one third of the members whichever is less, shall form a quorum.

Notice of Meetings

93. The first meeting of the Council shall be convened by the Incumbent and notices of all subsequent meetings shall be sent to the members by the Secretary.

Special Meetings

94. Special meetings shall be convened at the discretion of the Incumbent and wardens of the Parish Church or at the request of the Bishop.

Contracts

95. All contracts and undertakings legally entered into by Parochial Councils shall be binding upon their successors in office until such contracts and undertakings be fully completed or otherwise legally terminated.

Resolutions

96. Resolutions before Council must be passed by a majority of the votes of members present and voting. The Chairman shall have a casting vote only.

Secretary and Treasurer

97. At its first meeting the Council shall elect from amongst its members a Secretary and a Treasurer, whose names and addresses shall forthwith be forwarded by the Incumbent to the Registrar.

Duties of Secretary

98. The duties of the Secretary shall be:-
- (a) To send notices of meeting to every member of the Council.
 - (b) To keep minutes of the proceedings of the Council.
 - (c) To conduct correspondence on behalf of the Council.
 - (d) To prepare in consultation with the Incumbent agenda for meetings.
 - (e) To perform such other executive functions as may be assigned by Council.

Duties of Treasurer

99. The duties of the Treasurer shall be:-
- (a) To record the financial transactions of the Council in such form as shall be determined from time to time by the Bishop-in-Council.
 - (b) To present a financial statement to each meeting of the Council.
 - (c) To receive and deposit in a bank monies on behalf of Council.
 - (d) To pay accounts as authorised by the Council.
 - (e) To prepare before each Annual General Meeting of Parishioners an audited statement of the Council's financial affairs and to send a copy of such statement countersigned by the Incumbent and three Churchwardens forthwith to the Registrar.
 - (f) To provide without delay any further information on the financial affairs of the Council as may be required by the Registrar.
 - (g) To carry out any other financial functions as may be assigned by the Council.

Duties of Auditors

100. The duties of the Auditors (elected by the Annual General Meeting) shall be:-
- (a) To examine the financial records of the Council.
 - (b) To see that all receipts and payments have been brought to account.
 - (c) To see that proper vouchers and other authorisation are held for all payments.

Church Funds

101. The Council shall be responsible for the raising of funds for the work of the Church primarily by methods of direct giving

Gambling Not Permitted

102. No Incumbent or Parochial Council shall permit gambling or games of chance to be employed in raising funds for Church purposes nor shall they accept or receive money which has been raised for Church purposes in such manner.

Persons Authorised to Collect

103. The Council shall ensure that a record is kept of the names of persons authorised from time to time by the Council to collect funds on behalf of the Church and shall issue a certificate of authority to such persons when necessary or expedient to comply with any Act of Parliament.

Permission to Raise Funds

104. No Church organisation within the District shall raise funds for any purpose without the permission in writing of the Council. Such permission may be specific as to time place and method of fund raising or may be general in its terms.

Bank Accounts in District

105. The Council shall authorise the opening and closing of all bank accounts within the District and shall keep a list of such accounts.

Parochial Council Funds

106. The Council shall keep its funds at a bank. Cheques on account shall not be drawn unless they bear the signature of at least two persons authorised to sign by the Council.

Priority in Payments

107. The Council shall administer its general funds subject to the following obligations and order of priority:-
- (a) Payment of the Incumbent's stipend.
 - (b) Payment of the stipends of any Assistant Clergy.
 - (c) Payment of allowances to clergy of the District.
 - (d) Payment of the Essential Charge or Pledge to the Diocese.
 - (e) Payment of insurance rates and taxes on all Church property in the District for which the Council is responsible.
 - (f) Payment of any contributions required to be made by Ordinance.
 - (g) Payment of reasonable expenses incurred by the clergy and lay representatives in travelling and accommodation for Synod Sessions.
 - (h) Payment of other expenses.

Employees to be Insured

108. The Council shall insure its employees (if any) under the Worker's Compensation Act.

Rural Deaneries

109. Ruri-Decanal Conferences of the clergy and representatives of Councils in the Deanery shall be held at the discretion of the Ruri-Decanal Chapter or at the request of the Bishop.

PURPOSES AND EAYS OF BORROWING

Consent of Bishop-in-Council

110. A Council shall not borrow any money except with the consent of the Bishop-in-Council evidenced by a certificate under the hand of the Bishop and for the purposes and upon the conditions therein specified.

Bishop to Issue Certificate

111. In any case in which the Bishop-in-Council has consented to a loan as aforesaid the Bishop is hereby empowered to certify to any bank or other lending body willing to make an advance to the Council of the Ecclesiastical District that the Diocese of Grafton accepts ultimate responsibility therefor.

Deeds held by Corporate Trustees

112. The title deeds of all Church Property of or in the Ecclesiastical District shall be held by the Corporate Trustees of the Diocese of Grafton, who may if required deposit the same with any bank or financial institution advancing a loan.

Bishop's Certificate

113. Such certificate shall specify:-

- (a) The purpose of the loan.
- (b) The authorised fund to which such loan will relate and for which the proceeds of the loan will be used.

In the case of current overdrafts it shall further specify:-

- (c) The name and branch of the Bank.
- (d) The limit of the overdraft.
- (e) The amounts and times of the periodical reduction of such limit.

In the case of special loans it shall further specify:-

- (f) The amount of the loan.
- (g) The rate of interest and the times and manner of payment of the same.
- (h) The amounts and times and manner of repayment of the principal by instalments.
- (i) The name of the proposed lender.
- (j) The name and branch of the Bank and the name of the special account to which the proceeds of the loan shall be paid.
- (k) The manner and extent in and to which such account shall be operated on.

Limits of Borrowing

114. The Bishop-in-Council shall not consent to nor the Bishop issue a certificate for any loans:-

- (a) On current overdraft for a limit exceeding one-tenth of the income of the Council for the last preceding financial year as shown by the audited accounts submitted by the Council or if such accounts be not available or are incomplete then as estimated by Bishop-in-Council.
- (b) On special loan for an amount exceeding the income of the Council for the preceding two financial years as so shown or estimated.
- (c) For any amount which aggregated with all existing debts owing by the Council shall exceed the said two years' income.
- (d) For any loan to replace extend or renew an existing loan when the conditions of such existing loan have not been fully observed or performed unless special circumstances provide an explanation acceptable to the Bishop-in-Council.
- (e) For any loan on a total repayment period exceeding twenty years.
- (f) For any loan unless application has been made for such consent as hereinbefore provided and unless the provisions of this Ordinance in that respect shall have been fully complied with.

Notice to Parishioners

115. When a Council proposes to borrow it shall prepare a notice in legible form containing all the particulars prescribed in Section 113 except the name of the proposed lender and a statement informing the Parishioners that they may lodge objections in writing signed by the objector or objectors thereto and shall exhibit copies of such notice at the principal entrances of every church in the District for a period of twenty-one days and attention shall be drawn to such notice by the officiant at each service during such period.

Application to Bishop-in-Council

116. Within one month of the expiration of the period of twenty-one days the Council shall make application to the Bishop-in-Council for consent to such loan enclosing a copy of the said notice and all objections received in respect of the same.

Exceptions

117. The provisions of clauses 110 and 116 inclusive shall have no application to loans upon mortgage of Church property vested in the Corporate Trustees.

BUILDING TRUST FUNDS

118. All money collected subscribed or raised for the acquisition erection improvement or addition to lands buildings or furnishings shall be paid to the Parochial Council who unless it is intended to expend the same for the purposes for which the same was collected subscribed or raised within three months shall forward such money to the Corporate Trustees together with an explicit statement of the purposes for which the money was collected subscribed or raised.

Moneys Vested in Corporate Trustees

119. The Corporate Trustees shall invest such moneys in such manner as may be allowed under the Church Trust Property Ordinance 1934 (as amended) and shall in its books of account make careful record of the purposes and conditions of such moneys and during its custody thereof shall periodically apply interest earned thereon to the augmentation of such moneys.

Report to Synod

120. The Corporate Trustees shall report to each Session of Synod particulars of the moneys so held and the purposes for which they are held.

Moneys to be Paid on Bishop's Certificate

121. Upon the Parochial Council of the District satisfying the Bishop that it has made arrangements forthwith to apply such moneys for the purposes for which they were originally collected subscribed or raised the Bishop shall give a certificate to this effect to the Corporate Trustees who shall forthwith pay such moneys to the Parochial Council or other person or body named in the Bishop's certificate.

Application of Moneys to Other Purposes

122. If it is desired to apply the moneys to some purpose other than that for which they were originally collected raised or subscribed the procedures laid down in the Church of England Trust Property Act 1917 must be followed.

CHURCH LANDS

Bishop to Sanction Acquisition

123. Whenever any person or persons or corporation shall desire to provide for the use of the Church a site for the erection of a Church building or a site with a building suitable for any Church purpose already erected thereon or any other land or interest in land such person or persons or corporation having first obtained the sanction of the Bishop shall cause the said land or interest in land or buildings thereon to be conveyed or transferred to the Corporate Trustees by instrument duly registered under such form of conveyance or transfer as may be approved by the said Corporate Trustees.

To be Vested in Corporate Trustees

124. Whenever any land or interest in land is acquired for the use of the Church in the Diocese of Grafton it shall be vested in the Corporate Trustees of the said Diocese and no application for a loan or grant from Diocesan funds towards the cost of any improvement or the erection of any building shall be entertained by the Bishop-in-Council until the said land or interest in land is so vested.

ERECTION AND ALTERATION OF BUILDINGS

Bishop to Approve Plans

125. No Church building shall be erected nor any material alteration made to any existing building without the prior approval in writing of the Bishop. Every application for such approval shall be accompanied by proper plans and specifications and a written estimate of the maximum sum to be expended.

Building Committee

126. A Building Committee responsible to the Parochial Council may be formed to carry out any proposal for the erection or alteration of a building.

Faculty to be Obtained

127. A Faculty from the Bishop must be obtained before the alteration addition or removal of any part of the fabric of any Church building or the furnishings or ornaments of a Licensed Church.

Notice to be Given

128. The Incumbent and wardens of the licensed Church concerned shall affix notices to the principal entrances of the said Church setting out full details of the alterations additions or removals proposed to be made. The notice shall remain so affixed for four weeks during which period the officiant at Divine Service shall on at least two Sundays draw attention to the notice and state that objections in writing and signed by the objector may be made.

Application to Bishop

129. At the end of the four weeks the Incumbent and wardens shall make written application to the Bishop for a Faculty enclosing a copy of the said notice and of any objections that have been made and certifying that the provisions of this Ordinance have been carried out.

Signature Other Than Incumbent's

130. If the application for a Faculty is signed by any other minister than the Incumbent it shall be accompanied by a written certificate from the Incumbent authorising the signing of the application.

Bishop to Determine Issue

131. The Bishop after taking such advice as he deem desirable shall determine whether or not to issue the Faculty applied for.

CHURCH FURNITURE

132. No Church shall be deemed to be duly furnished unless it contains at least:-
- (a) A Holy Table with suitable books linen and vessels for Holy Communion.
 - (b) A credence table or shelf.
 - (c) A font.
 - (d) A Lectern with a Holy Bible including the Apocrypha.
 - (e) A Prayer Desk with a large Book of Common Prayer
 - (f) Suitable seating for the worshippers.
 - (g) In the Vestry:-
 - (i) A table
 - (ii) A wash-basin
 - (iii) Sufficient cupboards
 - (iv) Registers and a suitable chest or safe

LICENSING OF CHURCH

133. Whenever a site for a Church has been conveyed or transferred as in clause 123 and a Church has been erected and duly furnished the building Committee or Churchwardens shall petition the Bishop to License the said Church for the performance of Divine Service.

Consecration of Church

134. When no debt remains upon a Church and its site the Incumbent and wardens may petition the Bishop to consecrate the Church.

Licensing Building Other Than a Church

135. When a congregation of members of the Church is meeting regularly for Divine Service in a building not being a licensed Church whether or not such building is the property of the Church the Bishop may on a petition from the Council of the Ecclesiastical District license such building for the performance of Divine Service upon such conditions as he determines. The Incumbent and the said congregation shall thereupon exercise and enjoy as far as possible the rights privileges and responsibilities pertaining under this Ordinance to the Incumbent and parishioners of a licensed Church.

REPRESENTATION OF ECCLESIASTICAL DISTRICTS IN SYNOD

Lay Representatives

136. For the purpose of representation of Ecclesiastical Districts in Synod each Parish shall be entitled to two Lay Representatives and each Parochial District shall be entitled to one Lay Representative. For each Assistant Clergyman in and provided for by an Ecclesiastical District there shall be an additional Lay Representative elected from such District. Each Parish and Parochial District shall be entitled to elect an Alternate Lay Representative who may represent the Parish or Parochial District at any Session of Synod in place of any Lay Representatives unable to attend that Session of Synod. Such Representatives must be communicants of the age of eighteen years and upwards.

Mandate for Election

137. Whenever a new Synod is to be elected the Bishop shall issue his Mandate addressed to each Incumbent to proceed with the election of Representatives from his District either at the Annual General Meeting of Parishioners or at a duly convened special meeting of Parishioners.

Nomination and Election

138. Nominations shall be received and the election held in accordance with the provisions of clauses 72, 73, 74, 75, and 78 (i) and a declaration shall be made by each person nominated that he is a communicant member of the Church of England in Australia and resident within the Parish.

Return of Mandate

139. The Incumbent shall after the election of Lay Representatives enter their names postal addresses and occupations upon the Mandate which he shall then return to the Bishop together with the declarations made by the persons elected and a certified copy of the minutes of such election and the ballot papers (if any). Such minutes and ballot papers shall be retained in the Diocesan Registry until one month after the Session of Synod next following.

Certificate of Election

140. The Incumbent shall issue to each elected Lay Representative a Certificate of Election in or to the effect of Form 2 hereunder.

Form 2. Certificate of Election.

Ecclesiastical District of

We hereby certify that you
of have been duly elected a Lay Representative
of the above District in the Synod of the Diocese of
Grafton.

Date..... Signed
Incumbent

.....
Secretary of the Parochial Council.

Non-Resident Representatives

141. If any District is unable to elect sufficient representatives from qualified residents of the District, the Bishop may sanction the election of one Representative otherwise qualified but resident elsewhere within the Diocese. Provided that no Lay Representative shall represent more than one District in Synod at the same time.

Failure to Elect

142. If from any cause no election is held in any Ecclesiastical District such failure to elect shall not invalidate the proceedings of Synod. The Bishop in conjunction with the Parochial Council may take such steps as may be necessary to enable the District to be represented in Synod.

Tenure of Office

143. Every Lay Representative shall hold office for three years or until the dissolution of Synod.

Resignation

144. Any Lay Representative may resign his seat upon notice in writing being given to the Bishop.

Removal from Office

145. The seat of any Lay Representative may be declared vacant by resolution of Bishop-in-Council if:-
- (a) He becomes mentally or physically incapable of discharging his duties.
 - (b) He is convicted of an indictable offence in any court.
 - (c) He ceases to be qualified under any provision of this Ordinance.
 - (d) He fails to attend any Session of Synod not having leave of absence.

Filling of Vacancies

146. Any vacancy in the office of Lay Representative shall be filled by election at the next Annual General Meeting of the District. But if such vacancy exists within one month of a forthcoming Session of Synod the vacancy shall be filled by the Bishop with the advice of the Incumbent and Parochial Council.

Committee of Elections and Qualifications

147. At the opening of each Session of Synod the Bishop shall lay upon the table of Synod the names of five members of Synod to form a Committee of Elections and Qualifications. Any petition concerning a disputed election signed by a candidate or by three qualified electors present at such election shall be referred to this Committee. The Committee having a quorum of three shall consider the dispute and report to Synod their findings and Synod shall thereupon determine the dispute.

Attendance Book

148. Every Lay Representative shall during each Session sign his name in the attendance Book. If his name is not so entered this shall be prima facie evidence that he was absent from Synod for the whole of such Session.

Declaration

149. The President of Synod may require Lay Representatives to sign such declarations as may be required under the Constitutions of the Church in New South Wales before taking part in the business of Synod.

EXPERIMENT IN MISSION

150. For the more effective carrying out of the mission of the Church the Bishop-in-Council may approve upon such conditions and for such period as it shall determine any scheme of experimental ministry or organisation submitted by the Councils of the Districts concerned. Bishop-in-Council may dispense the clergy and church officers of such Districts from observing such clauses of this Ordinance as it shall determine and may prescribe rules and regulations in place thereof.

FORMS MAY BE PRESCRIBED

151. The content and format of any forms necessary under this Ordinance may be prescribed by the Bishop.

RULES AND REGULATIONS

152. Bishop-in-Council is authorised to make rules and regulations for the effectual carrying out of this Ordinance. Any such rules and regulations shall be laid on the table at the next Session of Synod which may review or alter them without invalidating or affecting anything done or contracted to be done before the review or alteration.

DISPUTES

153. Any dispute as to the interpretation of this Ordinance or as to any rights privileges obligations or duties thereunder shall be referred to the Bishop-in-Council for decision and such decision shall be final.

DATE OF COMMENCEMENT

This Ordinance shall come into force on the first day of January, 1970.

THE SCHEDULE

<u>Date of Ordinance</u>	<u>Short Title</u>	<u>Extent of Repeal</u>
1936	Parochial Ordinance, 1936	The Whole
1944	Parochial Ordinance, 1936, Amendment Ordinance 1944	The Whole
1950	Parochial (Amendment) Ordinance, 1950	The Whole
1950	Parochial (Amendment) Ordinance, 1950	The Whole
1952	Parochial (Amendment) Ordinance, 1952	The Whole
1961	Parochial Ordinance, 1936 (Amendment) Ordinance 1961	The Whole
1947	Clergy Stipend Ordinance, 1947	The Whole
1949	Clergy Stipend (Amendment) Ordinance, 1949	The Whole
1951	Clergy Stipend (Amendment) Ordinance, 1951	The Whole
1952	Clergy Stipend (Amendment) Ordinance, 1952	The Whole
1959	Clergy Stipend (Amendment) Ordinance, 1959	The Whole
1959	Clerical Stipend (Amendment) Ordinance, 1959	The Whole
1943	Purpose and Ways of Borrowing Ordinance, 1943	The Whole
1956	Purpose and Ways of Borrowing (Amendment) Ordinance, 1956	The Whole
1959	Purposes and Ways of Borrowing (Amendment) Ordinance, 1959	The Whole
1963	Purposes and Ways of Borrowing (Amendment) Ordinance, 1963	The Whole
1933	Status of Parishes Regulation Ordinance, 1933	The Whole
1944	Status of Parishes Regulation (Amendment) Ordinance, 1944	The Whole
1931	Parochial Building Funds Temporary Vesting and Management Ordinance, 1931	The Whole