



ANGLICAN DIOCESE OF GRAFTON POLICIES AND PROCEDURES

SUBJECT: PARISH DELEGATIONS		REFERENCE NUMBER MUP-005
DATE APPROVED Bishop-in-Council – 23 February 2023 The Corporate Trustees – 2 February 2023		VERSION 3 replacing Version 2 dated 21 October 2021
IMPLEMENTATION DATE Immediate	REVIEW FREQUENCY As required but at least 3 yearly	RESPONSIBLE FOR REVIEW Bishop-in-Council and The Corporate Trustees

1. PURPOSE

The purpose of this policy and procedure is to provide transparent and workable arrangements within good governance that allows the officers of parishes of the Diocese of Grafton to enter into contractual arrangements without the specific approval of The Corporate Trustees of the Diocese of Grafton.

2. SCOPE

- 2.1 This procedure relates to the assets and responsibilities of The Corporate Trustees of the Diocese of Grafton ('The Corporate Trustees') that are managed by parishes of the Anglican Diocese of Grafton.
- 2.2 This procedure does not include the trust funds and investment assets held by The Corporate Trustees.
- 2.3 This procedure does not apply to any entity of the Anglican Diocese of Grafton that is not considered to be a parish.
- 2.4 Any Parish that is subject to one of the conditions specified in clause 75.5 (a) to (d) inclusive of the Grafton Diocesan Governance Ordinance 2008, is excluded from this procedure to the extent that is recommended by the Archdeacon referred to in 75.5 (i).

3. DEFINITIONS

"Church" - The Anglican Diocese of Grafton, The Corporate Trustees of the Diocese of Grafton and the parishes of the Diocese of Grafton as the context requires.

"Faculty" - As per clauses 101.1 to 101.5 inclusive of the Grafton Diocesan Governance Ordinance 2008.

"Governance Ordinance" - The Grafton Diocesan Governance Ordinance 2008 as amended.

"The Corporate Trustees" – The Corporate Trustees of the Diocese of Grafton.

4. PRINCIPLES

- 4.1 The Anglican Church of Australia Trust Property Act 1917 [NSW] places the ownership of all church property and legal powers on behalf of the Anglican Diocese of Grafton in the hands of The Corporate Trustees of the Diocese of Grafton.
- 4.2 Recognising that those powers and responsibilities without delegation would be impractical, the Grafton Diocesan Governance Ordinance 2008 at clause 75.6 says:

The Corporate Trustees of the Diocese of Grafton is the legal entity with the ability to enter into legally binding contracts affecting, or on behalf of, parishes within the Diocese. The Parish, Parish Council, Incumbent and Churchwardens do not have the authority to enter into legally binding contracts except as specifically delegated by the Corporate Trustees.

This policy and procedure document sets out standing delegations applicable to clause 75.6 of the Ordinance.

- 4.3 No delegation replaces the requirement to seek a Faculty from the Bishop of Grafton when such is required as per clauses 101.1 to 101.5 inclusive of the Grafton Diocesan Governance Ordinance 2008.
- 4.4 Any matter not included in the standing delegations cannot be assumed to be delegated.

5. DELEGATIONS

5.1 PROPERTY MATTERS

Activity	Limits of Delegation	Notes
Renting of Church residential property to another party	Rentals using a standard rental agreement for periods up to 12 months.	Bond to be lodged with Rental Bond section of NSW Fair Trading.
Church renting a residential property from another party	Rentals using a standard rental agreement for periods up to 12 months.	MUP-002 Clergy Housing Standards to be observed if applicable.
Hiring of a Church hall or other venue to a non-Church hirer	Hall hires for periods up to 24 months where hire agreement is completed and hirer has current Public Liability Insurance of not less than \$10 million.	Hiring for religious purposes is subject to the approval of the Bishop. A copy of the hirer's certificate of Public Liability Insurance shall be retained by the Parish.
Church hiring a venue from another party	Hiring for periods of up to 1 month where hire agreement is completed and cost of hire is comfortably within the financial capacity of the parish.	Longer periods of hire require a written submission from Parish Council to the Corporate Trustees.
Leasing Church non-residential property to another party	No standing delegation.	

Activity	Limits of Delegation	Notes
Church leasing of non-residential property from another party	Leases for periods of up to 12 months where lease agreement is completed and cost of lease is comfortably within the financial capacity of the parish.	Longer leases require a written submission from Parish Council to the Corporate Trustees.
Church taking action against non-compliant tenant	Verbal and written reminders can be issued under instruction from Churchwardens.	Engagement of solicitors or other action under the Rental Tenancies Act are to be referred to the Corporate Trustees.
Submitting a Development Application for improvements to Church property	Churchwardens and Incumbent may be applicant for a Development Application providing the application has been approved by the Bishop-in-Council and is signed by the Registrar or a Corporate Trustee representing the owner.	Requirements set down in clauses 100.2 to 100.6 of the Governance Ordinance and MUP-004 Buildings and Property Projects – Approval Process need to be complied with before an application is submitted.
Submitting a Minor Works application for improvements to church property	Application can be made by any of Churchwardens and Incumbent.	Requirements set down in clauses 100.2 to 100.6 of the Governance Ordinance and MUP-004 Buildings and Property Projects – Approval Process need to be complied with before an application is submitted.
Establishing, changing and renewing of utilities supply agreements (e.g. water, gas, phone, electricity)	Supply agreements approved by Parish Council may be entered into on an ongoing basis or for contracts of up to 3 years.	Where preferred supplier agreements are made these are to be observed.
Entering into a contract for building services (e.g. fire extinguisher)	Agreements for building services approved by Parish Council may be entered into on an ongoing basis or for contracts of up to 2 years.	
Entering into a contract for maintenance services (e.g. cleaning, mowing, air-conditioning service)	Agreements for maintenance services approved by Parish Council may be entered into on an ongoing basis or for contracts of up to 2 years.	
Photography and filming	Applications for professional photography or filming of or on church property will be at the discretion of Incumbent and Churchwardens except where any structure is erected or building modified as part of the process.	Where any agreement is in the name of the property owner, this is to be forwarded to the Registrar to sign on behalf of the Corporate Trustees.

5.2 EQUIPMENT AND ASSETS

Activity	Limits of Delegation	Notes
Purchase of photocopiers and other office assets	Parishes may purchase office equipment and other office assets up to \$25,000 on each occasion on the resolution of the Parish Council.	
Purchase of motor vehicles	Parishes may purchase motor vehicles up to \$45,000 on each occasion on the resolution of the Parish Council.	Registration of church vehicles is to be in the name of The Corporate Trustees of the Diocese of Grafton.
Purchase of air-conditioning	Parishes may purchase and install air conditioning (up to \$50,000 on each occasion) on the resolution of the Parish Council.	Where installation of air-conditioning affects a heritage property and/or would cause structural changes to a property the requirements of MUP-004 Buildings and Property Projects – Approval Process are to be followed.
Purchase of whitegoods, furniture and other chattels	Parishes may purchase white goods, furniture, equipment and other chattels up to \$20,000 on each occasion on the resolution of the Parish Council.	Where the purchase is for furniture, equipment or fixture for a worship space, the Incumbent shall make enquiries of the Bishop regarding the need of a Faculty before any commitment to the purchase.
Leasing of photocopiers and other office assets	Parishes may lease photocopiers and other office assets for periods of up to 5 years for assets that would have a purchase price not greater than \$25,000 and where the financial obligations decrease proportionately throughout the term of the lease.	The Parish Council should note the conditions of clause 97.1 of the Governance Ordinance and make application to the Bishop-in-Council as appropriate.
Leasing of motor vehicles	Parishes may lease motor vehicles for periods of up to 5 years for vehicles that would have a purchase price not greater than \$45,000 and where the financial obligations decrease proportionately throughout the term of the lease.	Registration of church vehicles is to be in the name of The Corporate Trustees of the Diocese of Grafton.
Investigations and reports regarding assets	Parishes may procure an investigation into or a report on any parish held asset (including land and buildings) on the resolution of Parish Council.	

Activity	Limits of Delegation	Notes
Sale or disposal of purchased assets	Parishes may sell any asset owned by the church and held by that parish for use of the parish.	Parishes are not delegated to sell land or buildings. Where an asset to be sold or disposed has a Faculty, the Faculty needs to be removed on application to the Bishop before any sale or disposal can take place. Where an asset bears a plaque or is known to be donated, the potential sale or disposal of that asset is to be handled with sensitivity. Parish officers need to consider the risks to any new owner or user of an asset involved with that asset however, in the sale of any asset, those conducting the sale shall make clear that the church does not indemnify the new owner or user for any faults or damage arising from the asset. The purchaser is to make their own risk assessment.

5.3 OPERATIONAL

Activity	Limits of Delegation	Notes
New employment contracts (not requiring a Bishop's licence)	Churchwardens may offer employment contracts after consultation with the Registrar.	There is no delegation where the person requires a Bishop's licence. Consultation with the Registrar should commence prior to advertising a position or approaching any candidate.
Extension or variation of an employment contract	Extensions can be authorised by Incumbent and Churchwardens. Where there is a variation of conditions or cessation of the contract is considered these matters should be referred to the Registrar about 4 weeks prior to conclusion of the current contract.	Extensions should be in writing. There is no delegation where the person requires a Bishop's licence.
Termination of employment	Employment may be terminated by Churchwardens only after approval by the Registrar after written submission. Legal advice at the Parish's cost may be required.	There is no delegation where the person requires a Bishop's licence. REG-008 Employment Practices Fund will usually cover costs of legal advice.

Activity	Limits of Delegation	Notes
Completing registration forms for volunteers with Centrelink entitlements (e.g. Work for the Dole)	Churchwardens may enter into Work for the Dole and similar arrangements for a parish or part of a parish (e.g. Op Shop).	The requirements of the program need to be observed by those responsible for the volunteer.
Establishing or varying deposit accounts with AFSA, bank or credit union	Churchwardens or other parish delegates may establish and vary banking arrangements for the Parish.	Any change in the financial institution used for parish banking requires approval in writing from the Bishop-in-Council.
Establishing or varying credit facilities (incl. credit cards)	Churchwardens or other parish delegates may establish and vary banking arrangements for the Parish within the limits of clause 97.1 of the Governance Ordinance.	Borrowing or credit facilities beyond those permitted in clause 97.1 of the Governance Ordinance require specific Bishop-in-Council approval.
Application for grants	Small grants (up to \$10,000) may be applied for by a parish where the obligations of the grant are for a purchase of assets or receipt of funds without obligation. All other grants are to be referred to the Corporate Trustees.	Where a grant application requires the approval of the landowner, the application is to be referred to the Registrar to sign on behalf of the Corporate Trustees.

5.4 AUTHORISED OFFICERS

Except where specifically advised, authorised action by a parish on behalf of The Corporate Trustees is by any two of the Incumbent and the Churchwardens of the parish after a resolution of Parish Council endorsing the action.

5.5 FACULTIES

Notwithstanding the provisions elsewhere in this procedure, altering, adding or removing any furnishings, fittings or ornaments within a place of worship may require a Faculty. Enquiries with the Bishop concerning a Faculty or an application for Faculty should be conducted prior to any action that commits the Parish to a course of action that may result in altering adding or removing any furnishings, fittings or ornaments within a place of worship.

5.6 FINANCIAL CAPACITY

- 5.6.1 In all cases, delegations are made on the basis that Parish Councils and the Authorised Officers, examine the financial capacity of the parish to enter into the financial commitment.
- 5.6.2 Where the financial capacity doesn't exist, the action to financially commit the parish shall not be made.
- 5.6.3 Where financial capacity is predicated upon another event (e.g. request for trust funds, availability of grant funds, special donations, loan approval), financial commitments shall be delayed until such time as the financial capacity is assured.

5.7 MONETARY LIMITS

Where the above delegations specify a monetary limit to a delegation, that limit excludes any Goods and Services Tax but includes any installation, delivery and other costs directly associated with the procurement of an asset.