

## DIOCESE OF ROCKHAMPTON

### PARISH CANON 2013

#### Preamble

WHEREAS it is expedient to amend and consolidate the law relating to the order and good government of parishes, to the rights and duties of clerical and lay officers therein, to the appointment of members of the clergy to parishes, and to the representation of parishes in the Synod of the Diocese of Rockhampton and to various other matters concerning administration of parishes.

BE IT THEREFORE DECLARED AND ESTABLISHED by the Bishop, Clergy and Laity of the Diocese of Rockhampton in Synod assembled as follows:-

#### PART 1 - PRELIMINARY

##### 1. Short Title

This Canon may be cited as the "Parish Canon 2013."

##### 2. Division of Canon

This Canon is divided into the following parts: -

|                  |   |              |
|------------------|---|--------------|
| <b>PART I</b>    | <b>PRELIMINARY</b>                                      | (ss. 1-4);   |
| <b>PART II</b>   | <b>MINISTRY UNITS</b>                                   | (s.5);       |
|                  | A. PARISHES   | (ss. 6- 12); |
|                  | B. SPECIAL DISTRICTS                                    | (s 13);      |
|                  | C. SPECIAL MINISTRIES                                   | (s 14);      |
| <b>PART III</b>  | <b>LICENCES</b>   | (ss.15- 21); |
| <b>PART IV</b>   | <b>APPOINTMENTS;</b>                                    |              |
|                  | A. APPOINTMENTS BOARD                                   | (ss. 22-29); |
|                  | B. APPOINTMENTS OF INCUMBENTS<br>AND RECTORS            | (ss. 30-33); |
|                  | C. TERMINATION OF APPOINTMENT                           | (ss. 34-38); |
|                  | D. STIPENDIARY ASSISTANTS                               | (ss. 39-40); |
| <b>PART V</b>    | <b>DUTIES, ENTITLEMENTS AND<br/>POWER OF INCUMBENTS</b> | (ss. 41-53); |
| <b>PART VI</b>   | <b>PARISH ADMINISTRATION</b>                            |              |
|                  | A. ELECTORS   | (ss. 54-56); |
|                  | B. PARISH GENERAL MEETINGS                              | (ss. 57-64); |
|                  | C. PARISH COUNCIL                                       | (ss. 65-68); |
|                  | D. MISCELLANEOUS  | (ss. 69-74); |
|                  | E. ADMINISTRATION                                       | (ss. 75-92); |
| <b>PART VII</b>  | <b>CHURCH PROPERTY</b>                                  | (ss. 93-98); |
| <b>PART VIII</b> | <b>GENERAL</b>  | (ss.99-103)  |
|                  | <b>THE SCHEDULE</b>                                     |              |

### 3. Repeal and Savings

- (1) The Parish Canon 1974-2012 is repealed and is hereinafter referred to as “the repealed Canon”.
- (2) A parish or special district established and existing under the provisions of the repealed Canon shall be deemed to be a parish or special district constituted under the provisions of this Canon.

### 4. Interpretation

In this Canon unless the context otherwise requires: -

“Church” means the Anglican Church of Australia;

“churchwardens” means persons elected or appointed in accordance with the provisions of this Canon;

“council” or “parish council” means a body of persons elected or appointed to administer a parish in accordance with the provisions of this Canon;

“councillor” or “parish councillor” means persons elected or appointed in accordance with the provisions of this Canon to be members of a parish council;

“Divine Service” means and includes an act of public worship held according to the rites of the Anglican Church of Australia;

“elector” has the meaning set out in Section 54 of this Canon;

“general meeting” includes the annual general meeting and a special general meeting of a parish or of a special district;

“incumbent” means and includes any person who is licensed and appointed to be in charge of a parish under the seal of the Bishop and has been duly commissioned to the pastoral care thereof by the bishop or the Bishop’s representative, and includes any person appointed as the rector of a parish, or priest-in-charge, and may include, where the context allows, a group of persons approved and licensed by the Bishop as a Ministry Leadership Team for a Parish;

“member of the parish” means a member of this Church who customarily worships in a parish and who is qualified as an elector as defined in Section 54;

“member of this Church” has the meaning set out in “The Constitution of the Anglican Church of Australia”;

“parish” means a parish established or deemed to be constituted pursuant to this Canon and where the context so requires, includes a special district;

“parish nominator” means a person elected or appointed in accordance with the provisions of this Canon to be a parish nominator and includes each churchwarden;

“people of the parish” means the people who customarily worship in the parish;

“priest-in-charge” means and includes a member of the clergy in priest’s orders other than a rector, licensed by the Bishop to be in charge of a parish;

“principal worship centre” means, if there is only one regular worship centre – that centre, or if there is more than one regular worship centre, the centre which is declared by the bishop to be the principal worship centre;

"rector" means and includes a member of the clergy appointed under the seal of the Bishop and with the consent of the Appointments Board to be the rector of a parish, and who has been duly commissioned to the pastoral care thereof by the Bishop or the Bishop’s representative;

“special district” means a special district established or deemed to be constituted pursuant to this Canon

"stipendiary lay minister" means a lay person , holding a licence from the Bishop, engaged in full time stipendiary parish ministry not being purely of an administrative, secretarial, or accounting nature;

“the Schedule” means the Schedule to this Canon

“warden” or “wardens” means persons elected or appointed to be the centre warden(s) of a regular worship centre of a parish other than the principal worship centre

“worship centre” means any worship centre in the parish where divine service is held regularly, other than the principal worship centre;

## **PART II – MINISTRY UNITS**

### **5. Purpose of this Part**

The purpose of this Part is to provide structures for the members of this Church within the Diocese to participate in the corporate life of the Church.

Those structures shall be:

- (a) parishes;
- (b) special districts;
- (c) special ministries.

## **PART II - A - Parishes**

### **6. Establishment of a parish**

- (1) Bishop-in-Council may establish within each specified geographical area of the Diocese a parish ministry unit to be known as a parish under such name as is approved by Bishop-in-Council.
- (2) Before establishing a parish, Bishop-in-Council shall have regard to the most appropriate way of providing for the work of this Church in the area and shall take the following matters into account:-
  - (a) the general community of interest of the people in the area; and
  - (b) the financial capacity of the members of this Church in the area to support a parish ministry and to provide the buildings and other facilities required for parish life and to contribute to the wider life of this Church.

**7. Alteration or abolition of a parish**

- (1) The functions conferred on Bishop-in-Council by this section are to be exercised in accordance with the objective of making effective provision for the work of this Church and the most effective use of the resources of this Church.
- (2) Bishop-in-Council may alter the boundaries of or abolish a parish in accordance with this section provided however that Bishop-in-Council must not alter the boundaries of or abolish a parish unless the alteration or abolition has been agreed to by the parish council or has been approved by the Synod.
- (3) Where a proposed boundary alteration would affect the boundaries of more than one existing parish, Bishop-in-Council may not make the alteration proposed unless it has been agreed to by the parish council of each other such parish or has been approved by the Synod.
- (4) Bishop-in-Council may not make any alteration to the boundaries of a parish that would leave any part of the Diocese not within a parish or special district.
- (5) Any alteration made under this section shall be made by instrument in writing under the seal of the Corporation with plans to be preserved in the registry of the Diocese and the same shall be taken as evidence of the boundaries of the said parish.

**8. Appointment and licensing of persons having the charge of parishes**

- (1) The Bishop may, in accordance with the procedure set out in in this Canon, appoint under licence a person to be in charge of a parish. The person so appointed shall be known as the incumbent of the parish.
- (2) The incumbent is charged with the members of this Church in the parish to which he or she has been appointed with the authority and responsibility under the Bishop for the work of this Church within that parish.
- (3) The incumbent has, jointly with the Bishop, a special role of spiritual leadership and decision-making responsibility for the teaching, sacramental and pastoral ministry within the parish.
- (4) An appointment under this section may be on a full-time or part-time basis.
- (5) A person appointed under this section must exercise his or her functions in accordance with the conditions, if any, specified in his or her licence.
- (6) Where the incumbent of a parish is not a person in priest's orders, the Bishop may appoint a person in priest's orders to have, jointly with the Bishop, oversight of the administration teaching, sacramental and pastoral ministry within the parish.

**9. Covenants**

- (1) A licence issued to an incumbent shall be accompanied by a document embodying the terms of a covenant between the Bishop, the people of the parish , and the incumbent.
- (2) The covenant shall set out the objectives and expectations for the ministry of the incumbent in the parish to which he or she has been appointed.

- (3) The covenant may be renewed or varied from time to time to reflect the changing opportunities, needs and circumstances of the parish, and must be reviewed every three years during which the incumbent holds office, unless the Bishop otherwise directs.
- (4) The objectives and expectations set out in the covenant are an expression of the intention of the parties and do not impose legally binding obligations on any party to the covenant.

#### **10. Special provisions relating to appointment of deacons or lay persons as incumbents**

- (1) A deacon or lay person appointed as an incumbent shall perform such functions of the office as are consistent with the Anglican understanding of the ministry of a deacon or a lay person as the case may be and as the Bishop may direct from time to time.
- (2) The Bishop may, after consultation with the parish nominators and the Appointments Board, terminate the appointment of a deacon or lay person as incumbent at any time.

#### **11. Appointment and licensing of assistants in parishes**

- (1) The Bishop may, in accordance with the procedure set out in this Canon, appoint under licence one or more clerical or lay persons to assist the incumbent in the work of the parish.
- (2) The functions of a person appointed under this section shall be such as are agreed upon from time to time by the Bishop, the incumbent and the appointee.
- (3) An appointment under this section may be on a full-time or part-time basis and for such period and on such other terms and conditions as may be agreed between the Bishop, the incumbent and the appointee.
- (4) The licence issued to a person appointed under this section may embody the terms of a covenant between the incumbent, the people of the parish, and the appointee. The appointment may be terminated and the licence for the appointment cancelled by the Bishop at any time.

#### **12. Temporary appointments to parishes**

- (1) This section applies where:–
  - (a) The office of incumbent is temporarily vacant; or
  - (b) The incumbent is absent from duty on leave or because of ill-health.
- (2) The Bishop may, after consulting the parish nominators, appoint a person to have the charge of the parish during such vacancy or absence.
- (3) A person so appointed has such of the functions and authority of the incumbent as the Bishop directs.

### **PART II – B - Special Districts**

#### **13. Special Districts**

- (1) Where in the opinion of Bishop-in-Council the mission and ministry of the Church within a parish is such that special oversight and pastoral arrangements should be provided for the parish, Bishop-in-Council may by resolution declare the parish to be a special district.
- (2) Where Bishop-in-Council declares a parish to be a special district:-
  - (a) The parish shall cease to be called a parish and shall be known as a special district under such name as is approved by Bishop-in-Council. Except to the extent decided by Bishop-in-Council,

- the provisions of this Canon relating to parishes shall cease to apply to the parish from a date to be specified by Bishop-in-Council in the resolution.
- (b) Bishop-in-Council shall decide:
- (i) What arrangements are to be made for the governance of the special district;
  - (ii) The arrangements for staffing and finance for the special district;
  - (iii) The conditions under which the special district may be reinstated as a parish.
- (c) Bishop-in-Council may appoint a ministry leadership team to continue ministry in the special district.
- (3) Bishop-in-Council may specify that specified sections, parts or schedules, or parts of those provisions, of this Canon shall apply to the special district as if it were a parish for the purpose of the specified provisions and the priest-in-charge or other person in charge of the special district were an incumbent.
- (4) Notwithstanding the provisions of the Synod Canon, Bishop-in-Council may make provision for representation of the special district in Synod.
- (5) Bishop-in-Council after consultation with the body established to govern the special district may alter the boundaries or name of the special district or abolish the special district or reinstate it as a parish.  
If Bishop-in-Council decides to alter the boundaries of or abolish a special district, the provisions of section 7 of this Canon shall apply as if the special district were a parish.
- (6) A person appointed as priest-in-charge or other person in charge of a special district shall have such of the functions and authority of an incumbent as the Bishop directs.

## **PART II - C - Special Ministries**

### **14. Appointment of persons to special ministries**

Synod recognises the authority of the Bishop to appoint persons for ministry to groups of people whether in institutions within the Diocese or otherwise and to license persons for the exercise of special ministries within the Diocese.

## **PART III - LICENCES**

### **15. Persons to Officiate**

No person shall officiate or preach at any celebration of Divine Service of the Church or administer the Sacraments without the licence or written consent of the Bishop.

### **16. General Licence**

The Bishop may grant to a member of the clergy a general licence which shall entitle such member of the clergy to officiate or to minister within the Diocese as and when it is seemly so to do by virtue of the office or appointment specified in the licence and by virtue of his or her ordination.

### **17. Restricted Licence**

The Bishop may grant a restricted licence to any person and such licence may be restricted to such place or in such manner as the Bishop may in the Bishop's sole discretion deem expedient.

### **18. Bishop's Prerogative**

Nothing in this Canon shall be deemed to diminish the powers and prerogatives of the Bishop set out in "The Bishop's Prerogative Canon 1899".

**19. Granting and Revocation of General Licences**

When a member of the clergy is appointed to be a rector and is commissioned to the pastoral care of a parish the Bishop shall thereupon grant a general licence to him or her. Such licence shall be revocable by the Bishop only if the appointment of such rector is terminated in accordance with the provisions of this Canon. If the termination of the appointment of a rector is revoked by the Metropolitan in accordance with the provisions of this Canon the Bishop shall forthwith reinstate the licence of such rector.

**20. Suspension of the Licence of a Rector**

The licence of a rector may be suspended by the Bishop. If the Bishop suspends the licence of a rector the Bishop shall cause a meeting of the Appointments Board to be held within fourteen (14) days after the date of the suspension, to consider the termination of the appointment of such rector and such meeting of the Appointments Board may be adjourned for not more than fourteen (14) days, but if within that time the appointment of the rector shall not be terminated in accordance with the provision of this Canon, then the suspension of such licence shall cease to have effect and the Bishop shall reinstate the licence.

**21. Suspension or Revocation of a Licence to member of clergy who is not a Rector**

A licence of a member of the clergy who is not a rector may be suspended or revoked by the Bishop at any time.

**PART IV - APPOINTMENT AND COMMISSIONING OF INCUMBENTS****Part IV- A - Appointments Board****22. Appointments Board**

- (1) There shall be a Board of Synod called the "Appointments Board" ("the Board") which shall consist of the Bishop and certain members of Synod elected or appointed as hereinafter provided;
- (2) Without limiting the provisions of this or any other Canon it shall be the duty of the Board to act as a council of advice to the Bishop in matters of ministry and the appointments of clergy throughout the Diocese;
- (3) Nothing in this Canon contained shall limit the right of the Bishop to license a member of the clergy as Priest-in-Charge of a parish during such period as the Bishop may in the Bishop's sole discretion decide.

**23. Election and Appointment of members of Board**

- (1) At each session of Synod there shall be an election for: -
  - (a) Two (2) clerical and two (2) lay members of the Board to be elected by the members of the House of Clergy voting by ballot; and
  - (b) Two (2) clerical and two (2) lay members of the Board to be elected by the members of the House of Laity voting by ballot;
  - (c) In the event that any candidate for election to the Board receives the same number of votes as any other candidate, the Bishop shall decide which of those candidates

shall be deemed to have been elected and shall announce the decision before the Synod adjourns. The decision of the Bishop shall not be open to challenge for any reason.

- (2) No member of Synod may be nominated for election by both the House of Clergy and the House of Laity.
- (3) One (1) further clerical and one (1) further lay member of the Board shall be appointed by the Bishop.
- (4) The persons so elected, or appointed, together with the Bishop, shall constitute the Board.

#### **24. Quorum**

No business shall be transacted at any meeting of the Board unless the Bishop and at least three clerical and at least three lay members thereof are present, provided that the Bishop may for the purpose of any meeting appoint a member of Bishop-in-Council, or in the event that no member of Bishop-in-Council is available, then a member of Synod, to be present at such meeting to act in place of any member of the Board who is unable or unwilling to attend, provided further that the Board shall not at any time shall consist of more than five (5) clerical or five (5) lay members.

#### **25. Meetings**

- (1) The Bishop shall be the chairman of the Board and shall convene the meetings thereof.
- (2) All questions shall be decided by simple majority of all the members of the Board voting together, and in the case of a motion consenting to the appointment of a rector, including the parish nominators who have voted. The Bishop shall have a deliberative but not a casting vote.

#### **26. Term of Office**

The clerical and lay members of the Board shall remain in office except as hereinafter provided until their successors are elected or appointed.

#### **27. Resignation**

Any member of the Board may by writing under his or her hand addressed to the Bishop resign his or her appointment and the office of such member shall immediately become vacant.

#### **28. Parish Nominator**

A Parish Nominator shall not be a member of the Board either by reason only of his or her holding office as a Parish Nominator, or by reason only of his or her entitlement to vote on any motion put to the Board.

#### **29. Filling Board Vacancies**

When the office of any member of the Board shall become vacant the Bishop shall give notice of such vacancy to the members of Bishop-in-Council who shall at the next meeting of Bishop-in-Council elect some other member of Synod to fill the vacant office, provided that where the vacancy is of a clerical member it must be filled by a member of the House of Clergy, and where the vacancy is of a lay member it must be filled by a member of the House of Laity.



## **Part IV - B - Appointments of Incumbents and Rectors**

### **30. Procedure upon Vacancy**

- (1) Where the office of incumbent is vacant, or it is anticipated that it will become vacant, the Bishop or a person appointed by the Bishop for the purpose, must convene a meeting with the people of the parish to discuss the expectations and needs of the parish for the work of this Church in that place (“the consultation”) and shall submit to the Board a written report of the consultation.
- (2) After the consultation, the Board shall meet to consider prospective candidates for appointment.
- (3) Before the Board meets, the Bishop shall cause to be obtained from the parish nominators the names of any persons whom they desire to have considered for the appointment to the parish in order of preference.
- (4) Where the Bishop intends to appoint a rector the Bishop shall cause to be given to each parish nominator of the parish to which the Bishop proposes to make the appointment seven (7) days’ notice of any meeting of the Board, and an invitation to attend such meeting at which a motion is to be put having the effect of consenting to the appointment of a rector to such parish, and each of the parish nominators shall be entitled to attend the meeting and to vote on such motion.
- (5) The Board shall have regard to the consultation report when considering prospective candidates.
- (6) An appointment by the Bishop of a person to a licensed ministry within a parish other than an appointment as incumbent requires the agreement of the incumbent and shall be made only after consultation with the parish nominators.

### **31. Votes in writing and Flying Minutes of Board Meetings**

- (1) At any meeting of the Board the Bishop may accept the written vote of a member thereof or of a parish nominator entitled to vote on a motion for the appointment of a rector where the Bishop is satisfied that:-
  - (i) A copy of the notice of motion has been given by post or email or any other form of written communication to such person before the meeting; and
  - (ii) Timely notice of the meeting has been given to such person
  - (iii) Such person is unable for any reason to attend the meeting.
- (2) If a minute (a “flying minute”) setting out a resolution and bearing a date has been signed by all the members of the Board and all parish nominators entitled to vote thereon, the Board shall be deemed to have held a meeting on that date and the minute shall be deemed to constitute a minute of that meeting. Two or more separate documents in identical terms, each of which is signed by one or more members, which together bear the signatures of all members of the Board, shall together be deemed to constitute one such minute.
- (3) No member of the Board who is to be considered by the Board, either for an appointment or for the termination of an appointment, or is a spouse of such member, or where, in the opinion of the Bishop, such member may be affected by a conflict of interest, shall take any part in the discussions or deliberations of the Board in connection with such consideration and shall for such purpose, on the direction of the Bishop, withdraw from any meeting or

part thereof and shall not be entitled to vote on any question arising out of such consideration.

### **32. Appointments by Bishop**

- (1) When the Bishop proposes to appoint an incumbent, the Bishop shall make and announce to the Board the Bishop's decision as to whether such incumbent is to be appointed as the rector of the parish and, in that case, the Bishop shall seek the consent of the Board to such appointment as hereinafter provided.
- (2) The Bishop may under seal appoint a member of the clergy to be the rector of a parish provided that no such appointment shall be made unless and until: -
  - (a) The Board has consented to such appointment;
  - (b) The Bishop has offered such appointment to such member of the clergy in writing; and
  - (c) Such member of the clergy has in writing accepted such offer.

### **33. Commissioning**

When an incumbent is appointed the Bishop shall cause him or her to be publicly commissioned to the pastoral care of the parish.

## **Part IV - C - Termination of Appointment**

### **34. Resignation of Incumbent**

An incumbent may resign from his or her office by giving not less than three (3) calendar months' notice in writing thereof to the Bishop and such appointment shall terminate at the expiration of such period or such shorter or longer period as the incumbent and the Bishop may agree.

### **35. Termination of Appointment**

- (1) The appointment of a rector may be terminated by the Bishop under seal with the assent of the Board (and, if necessary, with the consents of the Parish Nominators) subject as hereinafter mentioned;
- (2) At any meeting of the Board the votes on any motion put to the meeting having the effect of assenting to the termination of the appointment of a rector shall be taken by a secret ballot and the number of votes in the affirmative and the number of votes in the negative shall be recorded;
- (3) The Bishop may terminate such appointment only if the Board assents thereto, and
  - (i) The number of the affirmative votes so taken is seven (7) or more; or
  - (ii) The number of the affirmative votes so taken and the number of consents in writing of the parish nominators to such termination (which may be sought for this purpose) is seven (7) or more.
- (4) The Bishop shall decide the date on which the termination is to take effect.
- (5) The appointment of an incumbent who is not a rector may be terminated by the Bishop under seal, and the assent of the Board to such termination shall not be required.

**36. Occupation of Rectory and Entitlement to Stipend after Termination**

Where the appointment of an incumbent has been terminated by the Bishop, the Bishop shall forthwith cause the incumbent to be notified in writing of such termination. The incumbent shall be entitled to remain in occupation of any parish dwelling occupied by him or her prior to the termination, and its appurtenances for a period of up to one (1) calendar month after the date the termination takes effect, or such other period as the Bishop may decide having consulted with the churchwardens. During such time as the incumbent shall be entitled to remain in occupation of any such dwelling, and at the discretion of the Bishop in consultation with the churchwardens, the incumbent may be entitled to receive a stipend to be paid by the parish at the same rate as the stipend to which the incumbent was entitled prior to the time of such notification, unless the incumbent (being a rector) has lodged an appeal to the Metropolitan pursuant to Section 37.

**37. Appeal**

A rector may within 7 days from the date upon which the Bishop gives him or her notice that his or her appointment has been terminated, appeal by notice in writing to the Metropolitan against the termination. The Metropolitan may confirm or revoke such termination by giving notice under seal to the Bishop, to the Board, and to the rector within three (3) calendar months from the date of such termination, or within such further or extended time not exceeding six (6) calendar months from the date of such termination as the Metropolitan may decide. Such appeal may be heard or dealt with by the Metropolitan in such manner as the Metropolitan shall in the absolute discretion of the Metropolitan decide. If the termination is revoked, the rector shall be entitled to be paid his or her stipend for any period during which he or she was not paid between the date of the termination and the date of revocation of the termination. If the termination of the rector has not been revoked by the Metropolitan within six (6) calendar months the termination of the rector shall be deemed to have been confirmed by the Metropolitan.

**38. Vacancy of Parish**

In the event of the office of incumbent being vacant, then the authority for the continued administration of the parish falls to the Bishop, or the Bishop's representative, and to the churchwardens of the parish.

**Part IV- D - Stipendiary Assistants****39. Appointment**

- (1) The Bishop may (with the written consent of an incumbent) under seal appoint a member of the clergy (in this Canon called an "assistant member of the clergy") or a stipendiary lay minister to assist such incumbent. No assistant member of the clergy or stipendiary lay minister shall be appointed or engaged in any parish otherwise than by the Bishop;
- (2) An assistant member of the clergy or stipendiary lay minister shall be under the direction and authority of the incumbent appointed to assist, subject nevertheless to the authority of the Bishop;
- (3) The Bishop may terminate the appointment of an assistant member of the clergy or stipendiary lay minister at any time;
- (4) An incumbent may request the Bishop to terminate the appointment of an assistant member of the clergy or stipendiary lay minister appointed to assist him or her and such request shall be dealt with by the Bishop.

- (5) Where a dispute or difference occurs between an incumbent and an assistant member of the clergy or stipendiary lay minister appointed pursuant to this section, the same shall be determined by the Bishop in such manner as the Bishop may deem fit, and whose decision shall be final.

#### **40. Resignation**

An assistant member of the clergy or stipendiary lay minister may resign his or her appointment by giving not less than one (1) calendar months' notice in writing thereof to the Bishop, and to the incumbent whom he or she has been appointed to assist, or such shorter or longer period as the incumbent and the Bishop may agree.

### **PART V - DUTIES, ENTITLEMENTS AND POWER OF INCUMBENTS**

#### **41. Responsibility**

The incumbent is responsible to the Bishop for overseeing the whole of the work of his or her parish in accordance with Section 8 (3).

#### **42. Use of Worship Centres**

The incumbent shall at all times have access to the regular worship centre or centres of the parish and all other buildings used for parish purposes and may celebrate Divine Service, administer the Sacraments and perform such other rites and ordinances of the Anglican Church of Australia as he or she is entitled by his or her licence to do without any hindrance from any person whatsoever except as in this Canon provided and shall for such purposes have the custody of the keys of the worship centres and other parish buildings.

#### **43. Use of Rectory**

The incumbent shall be entitled to reside free of rent and other outgoings in the rectory house and land of the parish provided that he or she shall not without the consent in writing of the Bishop and the parish council let or otherwise dispose of or part with possession of such rectory house or any portion thereof. With the consent of the Bishop and the parish council, the incumbent may reside elsewhere than in the rectory house, but shall not without the consent of the Bishop, reside beyond the parish boundaries. Subject to the provisions of section 36 of this canon, when the incumbent ceases to hold office (except following termination pursuant to Section 35) he or she shall be entitled to continue to reside in the rectory house for a further period as may be determined by the Bishop.

#### **44. Meetings**

No meeting shall be held in any parish building or on any parish land without the consent of the incumbent or during the vacancy of the office of incumbent without the consent of the Bishop, or the Bishop's representative.

#### **45. Stipends**

Bishop-in-Council shall from time to time and may at any time decide what sum shall be the minimum annual stipend and allowances payable by a parish to a stipendiary incumbent or to a stipendiary assistant member of the clergy or stipendiary lay minister.

Bishop-in-Council may at any time: -

- (a) Give directions as to the use of parish motor vehicles;
- (b) Prescribe for the payment to a member of the clergy or stipendiary lay minister of travelling expenses;

- (c) Prescribe a minimum standard of accommodation or payment of accommodation expenses to a stipendiary member of the clergy or stipendiary lay minister.

**46. Alteration of Stipend**

There shall be no alteration to the stipend or allowances of any member of the clergy or stipendiary lay minister without the consent of the Bishop

**47. Annual Leave of Incumbent**

An incumbent is entitled to have annual leave from his or her parish for a period or periods of four (4) weeks in total for each year of service. Annual leave may not be accrued for more than two years, and except in the case of resignation or termination of office, accrued leave not taken in the two years prior, may not be cashed out. The incumbent shall give reasonable notice to the Bishop and the churchwardens of his or her application to take a period of annual leave and if possible provide for the administration of the Sacraments during his or her absence. The churchwardens shall be responsible for the cost of such provision from the finances of the parish. Any dispute as to these costs shall be settled by the Bishop whose decision shall be final.

**48. Extended Leave**

If any incumbent is absent from the parish for a period exceeding four (4) consecutive Sundays without the consent in writing of the Bishop, the Bishop may, unless he or she is satisfied that the absence was necessary or excusable, terminate the appointment of the incumbent, in accordance with the provisions of this Canon.

**49. Locum Tenens**

If an incumbent applies for annual leave, to which he or she is entitled, for a period which includes more than four consecutive Sundays, he or she shall, if possible, nominate a person to the Bishop who is willing and able to take charge of his or her duties during the period of absence which exceeds four consecutive Sundays. The Bishop, may, without being required to give any reason, reject any such nomination and the incumbent shall not take annual leave for any period which exceeds four consecutive Sundays until arrangements are made by the incumbent for a locum tenens to the satisfaction of the Bishop.

**50. Study leave.**

Incumbents and all full time stipendiary clergy shall be entitled to a period of study leave each year subject to the approval of the Bishop, and upon such terms and conditions as may be determined by Bishop-in-Council from time to time.

**51. Absence of Incumbent**

Except during a period of annual leave, no incumbent shall be absent from his or her parish for a period exceeding three (3) days without notifying the Bishop in writing stating the period of the absence, nor shall he or she be absent from the parish for a Sunday without the approval of the Bishop, subject as in this Canon otherwise provided.

**52. Annual Leave of Stipendiary Assistants**

Stipendiary assistant clergy and stipendiary lay ministers shall be entitled to annual leave of four (4) weeks in each year of service, at such time as the incumbent whom he or she has been appointed to assist may determine.

**53. Sickness And Accident, And Maternity Leave**

Bishop-in-Council may from time to time make, or amend, regulations not inconsistent with this Canon relating to sickness, accident, maternity or other leave for incumbents and other stipendiary ministers.

**PART VI - PARISH ADMINISTRATION****PART VI – A – Electors****54. Qualifications of Electors**

(1) An elector is a person who:-

- i. is a member of this church as defined in the Constitution of the Anglican Church of Australia and
- ii. is a worshipping member of a parish congregation, and
- iii. is at least 16 years of age, and
- iv. has within the preceding twelve months attended Divine Service within the parish on not fewer than four occasions, and
- v. has entered his or her name on an electoral roll in accordance with the provisions of sub-sections 55(2) or (3).

(2) Where in relation to a parish a formal hospitality arrangement has been entered into by the Bishop with another denomination, people who are recognised by that other denomination as members of it and who fulfill the requirements of sub-section (1) ii, iii and iv are entitled to enter their names on the electoral roll of the parish, and to participate in all aspects of ministry in the parish which do not require a licence from the Bishop,

(3) Where within a parish there are worshippers who are people who are recognised by other Christian denominations as members of them and who the Bishop, on application by or on behalf of such people, recognises as customary worshippers in that parish for a period of time, and who fulfill the requirements of subsection (1) iii and iv, such people shall be entitled to enter their names on the electoral roll of members of the parish and to participate in all aspects of ministry in the parish which do not require a licence from the Bishop.

**55. Electoral Roll**

- (1) An electoral roll shall be maintained in each parish. In the case of a parish which has more than one worship centre there may be separate rolls for each worship centre within the parish.
- (2) The electoral roll shall contain the name, address, usual place of worship, entry date and signature of each elector.
- (3) A person is entitled to have his or her name entered on an electoral roll if he or she fulfills the requirements of sub-sections 54 (1), (2) or (3) and after he or she has completed and signed a declaration in the form set out in the Schedule to this Canon
- (4) Parishes may be required to report to the Registrar about the information contained in an electoral roll.

- (5) The name of a person may be removed from an electoral roll by resolution of the parish council by reason of:-
  - (a) the person's death
  - (b) a request by the person that his or her name be removed;
  - (c) the person having become an elector of another parish; or
  - (d) the person no longer meeting all of the qualifications of an elector.
- (6) No person shall have his or her name on the electoral roll of more than one parish at the same time.
- (7) No person may vote on any matter or in any election at a meeting of a parish unless his or her name is at the time of the meeting on the electoral roll of that parish.
- (8) The electoral roll shall be available at all reasonable times for the purpose of a person having his or her name entered thereon except that it shall be closed at 5.00 pm on the day before any general meeting is to be held. Notice of such closure shall be given at Divine Service in the parish at least one week before the date on which any such meeting is to be held.
- (9) If any doubt or dispute shall arise with respect to the enrolment or removal of the name of any person in or from an electoral roll the same shall be resolved by the Bishop whose decision shall be final.
- (10) Every elector shall be eligible for election or appointment to any office provided for in this Part unless otherwise provided.

#### **56. Duration of Electoral Rolls**

- (1) Electoral rolls existing at the commencement of this Canon shall continue to exist until the first Sunday of July 2013
- (2) On the first day of July 2013 and thereafter at three-yearly intervals, all electoral rolls will become void and new electoral rolls shall be established. Notice requesting the signing of the new electoral rolls is to be given by:-
  - (a) oral announcement during each celebration of Divine Service in the parish during the month of July 2013 and thereafter at 3 yearly intervals;
  - (b) a notice placed in any pew leaflet and/or other form of written communication customarily used in the parish; and
  - (c) a written notice posted on the notice boards of each regular worship centre in the parish.

### **PART VI – B - Parish General Meetings**

#### **57. Annual General Meeting**

- (1) The incumbent and churchwardens of a parish shall give notice of the annual general meeting which is to be held not later than the second Sunday in March in each year. Notice of the annual general meeting shall be in the form set out in the Schedule. The notice shall be fixed to the main notice board or principal door of the principal worship centre of the parish for a period of not less than eight (8) days including two (2) Sundays immediately preceding the day on which the meeting is to be held.
- (2) The business of the annual general meeting shall include:–

- (a) a report to be by the incumbent to the people of the parish on the general state of the parish and on the incumbent's strategies and plans for the work of the parish in the coming year;
  - (b) a report by the churchwardens to the people of the parish on the work of the council for the preceding year and on strategies and plans adopted by the council for the future work of this Church in the parish;
  - (c) presentation of reports of parish organisations;
  - (d) a report prepared by the treasurer on the financial affairs of the parish, including:
    - (i) an audited statement of the financial affairs of the parish for the year ending on the preceding 31 December; and
    - (ii) a budget of income and expenditure in accordance with strategies and plans adopted by the council for the year in which the meeting is held;
  - (e) elections of officers provided for by this Canon;
  - (f) the appointment of an auditor or auditors in accordance with the provisions of this Canon;
  - (g) general business of which at least 7 days' notice in writing has been given to the parish secretary; and
  - (h) such other business as the meeting may determine.
- (3) The statement of the financial affairs of the parish must, where Bishop-in-Council has determined a form for such statements, be in accordance with that form.

## **58. Elections**

- (1) The annual general meeting shall elect:—
- (a) a churchwarden
  - (b) a number of members of the parish council as determined by the meeting in accordance with Section 75(e);
  - (c) the lay representatives of the parish in Synod; and
  - (d) the parish nominator.
- (2) Nominations for election must be called for when notice is given of the holding of the annual general meeting.
- (3) Nominations must be in writing in the form prescribed in the Schedule and signed by:—
- (a) the person nominated or on his or her behalf with his or her approval;
  - (b) the proposer; and
  - (c) the seconder,  
all of whom shall be electors of the parish.
- (4) Nominations for election shall be delivered to the parish secretary. Unless the notice of meeting sets an earlier closing date for receipt of nominations, nominations may be received at the annual general meeting.
- (5) In the absence of the incumbent from the annual general meeting he or she may nominate in writing such persons as he or she may desire to appoint as churchwarden and councillors, and such nominations shall be announced to the meeting before the election of churchwarden and councillors. In the event that the incumbent has nominated a number of persons to be councillors exceeding the number the incumbent is entitled to nominate in accordance with Section 75(e), those first standing on the incumbent's list shall be deemed to have been appointed.

## **59. Special general meetings**



- (1) A special general meeting may be convened at any time in accordance with this section, upon the giving of at least 7 days' notice. Notice of a special general meeting shall be in the form in the Schedule. The notice shall be displayed in the same way as the notice of annual general meeting.
- (2) A special general meeting must be convened by the incumbent—
  - (a) if the incumbent and Churchwardens so decide;
  - (b) if at a meeting of the parish council a quorum of the council requests the holding of a special general meeting;
  - (c) at the request of the churchwardens of the parish with the consent of the bishop.
- (3) A request for the convening of a special general meeting must state the matters that are desired to be put to the meeting.
- (4) The business of a special general meeting shall include only the matters referred to in subsection (3).

**60. Entitlement to vote at general meetings**

Only electors whose names are entered in the electoral roll of the parish are entitled to vote at a general meeting of the parish.

**61. Procedure at general meetings**

- (1) The incumbent shall, if present, preside at a general meeting.
- (2) In the absence of the incumbent, the Bishop, or the Bishop's nominee shall preside at the meeting but unless the person is an elector of the parish shall not be entitled to any vote.
- (3) The person presiding at the meeting, if an elector of the parish, has a deliberative but not a casting vote.
- (4) A motion arising at a general meeting shall be determined by a majority of the votes of the electors who are present.
- (5) A quorum at a general meeting of a parish is 10 electors, unless the bishop approves a smaller number in certain specified circumstances.
- (6) If a quorum is not present within half an hour after the time fixed for the holding of a general meeting, the meeting lapses. If at any time after a meeting has commenced it appears to the person presiding that there is not a quorum the meeting shall lapse.
- (7) If a general meeting lapses before voting has been completed for the elections to be held at the meeting, the elections shall be null and void, and the incumbent, and churchwardens, shall as soon as is reasonably practicable convene a further general meeting to hold the elections.

**62. Centre Committee**

- (1) Where there is more than one regular worship centre in a parish, the members of the parish who customarily worship at a regular worship centre other than the principal worship centre may, with the agreement of the parish council, elect a centre committee for that worship centre.

- (2) A centre committee of a worship centre is, together with the incumbent and the churchwardens, responsible to the parish council for managing the affairs of that worship centre.
- (3) The warden or wardens of a regular worship centre, if any, are, by virtue of their office, members of the centre committee.
- (4) The number of members of a centre committee and the method of electing them shall be as agreed by the members of the parish who customarily worship at that worship centre or, in default of agreement, is as determined by the parish council.
- (5) The incumbent or his or her nominee shall be the presiding member of the centre committee. In the event that the incumbent or his or her nominee is unable to attend a meeting of the centre committee, or is unwilling to preside at such a meeting, the members of the centre committee shall elect one of their number to be the presiding member at that meeting.
- (6) The term of office of a centre committee is the same as the term of office of the parish council.
- (7) The provisions of Sections 86 (termination of appointment of members of parish council); 87 (filling of casual vacancies on parish council); and 88 (procedure at meetings of parish councils) shall apply, with such modifications as are necessary, to centre committees.

### **63. Returns**

The incumbent shall within fourteen (14) days after the annual general meeting has been held forward to the Bishop: -

- (a) Such returns showing the state of the parish as the Bishop-in-Council shall direct and such returns shall be laid before the Synod at its next session;
- (b) A list of all officers elected and appointed;
- (c) A copy of all the reports on the work of the parish presented to the annual general meeting.
- (d) A copy of the audited accounts and statements submitted to the annual general meeting.
- (e) A copy of the budget for the current year as approved by the annual general meeting

### **64. Failure to Elect or Appoint Officers of Parish**

Should the annual general meeting or the incumbent fail to elect or appoint as the case may be a person to any parish office provided for by this Canon, the Bishop may appoint a duly qualified person to such office.

## **PART VI – C - Parish Council**

### **65. Churchwardens**

In every parish there shall be two churchwardens. One churchwarden shall be an elector elected at the annual general meeting of the parish in accordance with the provisions of this Canon. The other churchwarden shall be an elector appointed by the incumbent in accordance with the provisions of this Canon. The duties and responsibilities of the churchwardens are set out in this Canon.

### **66. Parish Nominators**

In every parish there shall be three (3) parish nominators. The churchwardens shall both be parish nominators and the third parish nominator shall be an elector elected at the annual general meeting.

#### **67. Parish Council**

- (1) In every parish there shall be a parish council which shall be constituted in accordance with the provisions of this Canon.
- (2) Any Parish seeking to amend or vary the system of administration may apply to do so pursuant to the following provisions.
- (3) If a parish wishes to employ a system of administration different from that provided by this Canon the parish must first seek approval to do so from Bishop-in-Council by submitting in writing details of the system it wishes to follow. The system proposed by such a parish must provide for the following matters:–
  - (a) the number of members of the council;
  - (b) the method of choosing those members;
  - (c) the method of appointment of a presiding member of the council;
  - (d) an executive committee of the council; and
  - (e) where a parish includes two or more places at which a congregation regularly worships, appropriate representation on the council for the congregations of each of those places; and
  - (f) such other matters as are appropriate to the circumstances of the parish or which Bishop-in-Council may require.
- (4) Before considering a request from a parish to employ a different system of administration Bishop-in-Council shall obtain a report from the Registrar.
- (5) A system of parish administration adopted by a parish, other than in accordance with the provisions of this Canon without modification, does not have effect unless it is approved by Bishop-in-Council and such approval may be subject to such conditions as Bishop-in-Council may decide.
- (6) Where Bishop-in-Council approves the constitution of a council under this section, the parish council is constituted in accordance with the terms of that approval and Bishop-in-Council shall make any necessary consequential modifications to Part VI in relation to that parish.

#### **68. Functions of Parish Council**

- (1) The parish council in partnership with the churchwardens and the incumbent has responsibility under the Bishop for the mission and ministry of this Church in that parish.
- (2) The parish council in partnership with the churchwardens and the incumbent is to provide leadership for the parish by setting objectives and strategies for the work of this Church in the parish and by the efficient and effective management of the resources of the parish.
- (3) Without limiting the other provisions of this section, the parish council is responsible to the Bishop and to the people of the parish for:–
  - (a) managing the financial affairs of the parish; and
  - (b) maintaining the buildings, grounds and other property held on behalf of the parish in good order and repair.

- (4) The parish council is also responsible to the Bishop for meeting the obligations of the parish under the covenant referred to in Section 9.

## **PART VI - D - Miscellaneous**

### **69. Responsibility of Parish Council in Financial Matters**

- (1) The financial year of a parish shall end on 31 December of each year.
- (2) Responsibility for the administration of funds for all matters connected with the material assets and liabilities of a parish resides with the parish council.
- (3) The parish council shall:-
- (a) Receive the offertory and other collections and record the amounts received;
  - (b) Record all amounts received by or on behalf of the parish from any other source of income;
  - (c) Transmit to the Diocesan registry all contributions directed to be made by the Parish Contributions Canon 1994-2003; and
  - (d) Apply all special collections and all offerings made for a special purpose to the purpose specified
  - (e) Maintain one or more bank accounts in the name of the parish with a financial institution or institutions approved by Bishop-in-Council from time to time.
  - (f) The signatures of any two (2) members of the executive committee of the council shall be required in respect of all cheques to be drawn on any account, or any other transactions involving the withdrawal of funds from any account, or involving the alteration of arrangements for the operation of any account maintained by the parish with a financial institution.

### **70. Priority of disbursement**

Subject to the requirements of the law of the Commonwealth of Australia or of the State of Queensland, the moneys received by the parish council shall be disbursed in order of priority as follows:-

- (a) Money received for a particular purpose shall be disbursed for that purpose;
- (b) Provision of bread and wine for the Holy Communion;
- (c) Payment of the stipend, and superannuation, of the incumbent;
- (d) Payment of the stipend, and superannuation, of any assistant member of the clergy or stipendiary lay minister;
- (e) Payment of wages and superannuation of any other paid employee of the parish.
- (f) Payment of parish contributions in accordance with the Parish Contributions Canon 1994-2003
- (g) Insurance of buildings and other parish property including motor vehicles, public liability insurance for all parish property, and WorkCover premiums;
- (h) Local Authority rates and all other statutory charges in respect of parish property;
- (i) All other expenses of the parish.

**71. Approval for Borrowings**

A parish council must obtain the approval of Bishop-in-Council before any borrowing is incurred for a sum greater than five thousand dollars (\$5,000), or such other amount as may be determined by Bishop-in-Council by Regulation from time to time.

**72. Bishop to Preside during Vacancy**

The Bishop, or the Bishop's representative appointed in writing, shall during the vacancy in the office of incumbent of any parish, be entitled to preside at any meeting of members of the parish or the parish council.

**73. Removal from Office of Churchwarden or Parish Councillor**

The Bishop may by notice in writing to the incumbent and to the person concerned, remove from office any churchwarden or parish councillor for non-compliance with the Canons of the Diocese, or for any other cause which shall in the Bishop's discretion seem sufficient.

**74. The Pastoral Roll**

Subject to any applicable privacy legislation, the incumbent and the churchwardens shall ensure that a roll of pastoral contacts is kept and maintained, containing sufficient information to enable the mission and ministry of the parish to be maintained and where possible enhanced.

## **PART VI – E - Administration**

**75. Membership of the Parish Council**

The parish council of a parish consists of:–

- (a) The incumbent;
- (b) Any clergy who hold a current licence from the Bishop for active ministry in the parish, not including a holder of a Permission to Officiate licence;
- (c) The churchwardens;
- (d) If there is more than one regular worship centre in the parish such number of the wardens elected or appointed in any regular worship centre of the parish as shall be determined by the annual general meeting of the parish;
- (e) 3, 6, 9 or 12 other electors (the number to be decided at the annual general meeting of the parish before the election for parish councillors is held), of whom one-third shall be persons nominated by the incumbent, and two-thirds shall be elected by the members of the parish;
- (f) If not otherwise qualified, the Parish Treasurer and Parish Secretary appointed in accordance with the provisions of Sections 81 and 82 of this Canon.

**76.** Any licensed assistant member of the clergy or stipendiary lay minister of the parish is eligible to be elected as a member of the council, but is not otherwise entitled to be a member of the council.

**77.** A council may co-opt a member of the parish to assist the council, for such period (but not extending beyond the term of office of the council) as the council determines, and to attend meetings of the council on invitation by the incumbent and the churchwardens. Such person shall be entitled to speak at meetings of the council, but shall not be entitled to vote on any business before the council, and shall withdraw from any meeting of the council on request of the person presiding at the meeting.

**78.** The validity of anything done by a parish council is not affected by a vacancy in the membership of the council.

**79. Presiding member**

- (1) The incumbent shall preside at a meeting of the council unless he or she is unable to attend the meeting or requests that another member of the council preside at the meeting.
- (2) In the event that the incumbent is not at a meeting of the council or has requested that another member of the council preside at the meeting, the council shall elect another member of the council present at the meeting to preside at that meeting.

**80. Wardens of Regular Worship Centres and Duties of Churchwardens and Wardens**

- (1) In addition to the churchwardens, there may be up to two wardens for each regular worship centre in a parish other than the principal worship centre. Where there are to be two wardens, one warden shall be appointed by the incumbent and the other elected by the members of the centre who customarily worship at that place. Where the members of the centre decide that the centre will have one warden, that warden shall be appointed by the incumbent, after consultation between the incumbent and those members.
- (2) The churchwardens and wardens are the designated lay leaders in the parish, who with the incumbent share responsibility for the pastoral care of the parish, according to their gifts.
- (3) The churchwardens and wardens shall be responsible to the incumbent or other person in charge of the parish, and the parish council for:-
  - (i) Ensuring the provision of all things necessary for the conduct of public worship in the parish;
  - (ii) The maintenance in good order and repair of the property of the parish;
  - (iii) Ensuring that the offertory and other collections are received, and the amounts recorded and applied to their proper purposes
- (4) Where there are no wardens for a worship centre, the duties set out in this Part vest in the churchwardens for the principal worship centre, or for the parish, as the case may be.
- (5) The churchwardens shall provide a written report to the Bishop on any serious irregularities in the performance of public worship or any willful neglect of duty or any serious misconduct on the part of the incumbent.
- (6) The churchwardens shall have the functions and duties conferred or imposed on them by the laws of the Anglican Church of Australia, including canons of General Synod and the canons of this Diocese.
- (7) The churchwardens shall effect insurance in the name of the Corporation in accordance with directions which shall be given from time to time by Bishop-in-Council and, without limiting the generality thereof, such directions may be given with reference to the nature of property and liabilities and the nature of risks to be insured, and the extent in value of insurance to be arranged.
- (8) The churchwardens shall attend on the Bishop or his Commissary or the Archdeacon whenever cited to a visitation and in the event of the death of the incumbent to immediately report the vacancy to the Bishop.

- (9) The churchwardens shall assist the incumbent in the ornamentation, decoration and furnishings of the worship centres subject to the Bishop's faculty at all times.

### **81. Parish Treasurer**

- (1) The parish treasurer shall be appointed by the incumbent and churchwardens after consultation with the council.
- (2) The treasurer shall ordinarily be a member of the parish, but in the event that no member of the parish is willing and able to carry out the duties of parish treasurer, or the incumbent and the churchwardens consider that there is no member of the parish who is suitable to be appointed as parish treasurer, they may appoint a person who is not a member of the parish to be parish treasurer.
- (3) If the person appointed as parish treasurer is not a member of the council, he or she, upon being so appointed, shall become a member of the council for all purposes and shall, unless his or her appointment is otherwise terminated, remain a member of the council until the next annual general meeting.
- (4) If the person appointed as treasurer is not a member of the parish, he or she becomes, upon being so appointed, a non-voting member of the council for all purposes, for the remainder of the current term of the council.
- (5) The treasurer shall be responsible to the council for:–
  - (i) Ensuring the proper banking of all moneys of the council and the proper payment of all amounts payable by the council;
  - (ii) Maintaining proper financial records of the parish;
  - (iii) Reporting to each meeting of the council on the financial position of the parish;
  - (iv) In consultation with the incumbent and wardens, preparing the budget of income and expenditure in accordance with strategies and plans adopted by the council;
  - (v) Ensuring that the accounts of the parish are audited;
  - (vi) Preparing the annual financial report and budget for presentation to the annual general meeting; and
  - (vii) Such other matters as the council may decide.

### **82. Parish Secretary**

- (1) The parish secretary shall be appointed by the council.
- (2) The parish secretary must be a member of the parish.
- (3) If the person appointed as parish secretary is not a member of the council, he or she, upon being so appointed, shall become a member of the council for all purposes and shall, unless his or her appointment is otherwise terminated, remain a member of the council until the next annual general meeting of the parish.
- (4) The parish secretary shall be responsible to the council for:–
  - (i) The receipt and dispatch of correspondence, recording of minutes and maintaining council records;
  - (ii) Such other matters as the council may decide.

**83. Appointment of Auditor**

At every annual general meeting of a parish an auditor shall by resolution of the meeting be appointed for the purpose of auditing the accounts of the parish for the year. The auditor shall be a member of CPA Australia, or the Institute of Chartered Accountants in Australia, or the Institute of Public Accountants, or such other body of accountants recognised by Bishop-in-Council, provided that Bishop-in-Council may authorise the audit to be carried out by some other person on such conditions that Bishop-in-Council may decide.

**84. Nominations by Incumbent**

The incumbent must announce, not later than 14 days after the annual general meeting, the names of the churchwarden and any warden and council members appointed by the incumbent.

**85. Term of office of churchwardens and members of parish councils**

- (1) A churchwarden or a councillor elected at an annual general meeting shall hold office, subject to this Canon, for the period from the conclusion of that annual general meeting until the conclusion of the next following annual general meeting.
- (2) A churchwarden or a councillor appointed by the incumbent shall hold office, subject to this Canon, for the period from the conclusion of the annual general meeting at which the appointment is announced, or from the date on which the appointment is made, (whichever is the later), until the conclusion of the next following annual general meeting.
- (3) Parishes are encouraged to adopt the principle that in the absence of special circumstances a person elected or appointed as churchwarden or councillor should serve no more than 6 consecutive terms in that office.

**86. Termination of appointment of Churchwardens and Councillors**

- (1) The office of a churchwarden or councillor shall become vacant if: –
  - (i) He or she is absent for 3 consecutive meetings of the council unless leave of absence has been granted by the council; or
  - (ii) He or she resigns in writing to the incumbent or if the office of incumbent is vacant, to the Bishop; or
  - (iv) He or she ceases to be a member of the parish; or
  - (v) The Bishop has removed the churchwarden or councillor from office pursuant to section 73.
- (2) The office of warden becomes vacant if he or she ceases to be a customary member of the regular worship centre in respect of which he or she was elected or appointed warden.
- (3) Acceptance by the council of an apology for absence from a council meeting is to be taken to be a grant of leave of absence from that meeting.

**87. Casual vacancies**

- (1) Where there is a vacancy in the office of churchwarden or warden, or council member appointed by the incumbent, the incumbent shall as soon as reasonably practicable appoint a qualified person to fill the vacancy.
- (2) Where there is a vacancy in an elected office of churchwarden or warden, the office shall be filled as soon as reasonably practicable by a qualified person elected by a special general meeting of the members of the parish or of the relevant worship centre, as the case may be.



- (3) Where there is a vacancy in the office of an elected councillor, the office shall be filled as soon as reasonably practicable by a qualified person elected by the council.
- (4) A person appointed or elected pursuant to this section shall hold office for the remainder of the term of office of the person whose place is being filled.

#### **88. Meetings of the council**

- (1) The council shall hold such meetings as it considers necessary for the performance of its functions provided that a meeting shall be held at least once every three (3) calendar months.
- (2) Notice of a meeting of the council shall be given to each of the councillors at least two (2) clear days before the meeting.
- (3) Subject to any directions of the council, a meeting of the council may be convened, at any time by the incumbent or by the Bishop.
- (4) A meeting of the council shall be convened by the incumbent at the request of four (4) councillors.
- (5) A quorum of the council is the whole number greater than one-half of the number of councillors, or such greater number as the council may decide.
- (6) All business at a meeting of the council shall be decided by a majority of the votes of the councillors present and voting and, if the votes are equal, the question shall be decided in the negative.
- (7) The person presiding at a meeting of the council has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.
- (8) The council shall ensure that an accurate record of the proceedings of each meeting of the council is kept. At every meeting of the council the secretary shall table the minutes of the previous meeting of the council and the council shall receive a motion for the confirmation of the minutes. If the minutes are confirmed, the person presiding at that meeting shall sign the minutes.

#### **89. Executive committee**

- (1) There shall be an executive committee of the council which shall consist of:—
  - (i) The incumbent;
  - (ii) The churchwardens;
  - (iii) Another councillor appointed by the incumbent and churchwardens
  - (iv) The parish treasurer.
- (2) Subject to any directions of the council, the executive committee shall have all the powers, and may perform all the functions of, the council between meetings of the council. The incumbent and the churchwardens shall give a report to the council at its next meeting of any functions performed by the executive committee since the previous meeting of the council.
- (3) Meetings of the executive committee shall be called, and the business conducted, in the manner determined by the committee.

- (4) The incumbent and the churchwardens or, (if only one churchwarden is available) the incumbent, one churchwarden and one other member of the committee constitute a quorum of the committee.

## **90. Committees and task groups**

- (1) The council may establish such other committees as it thinks fit.
- (2) A committee of the council shall be constituted in such manner and have such functions as are specified by the council.
- (3) A committee shall report to the council as required by the council.
- (4) The council may delegate any of its powers and functions to a committee of the council other than this power of delegation.
- (5) A committee may not commit or expend parish funds except as authorised by the council.
- (7) The council may appoint task groups to carry out particular tasks on behalf of the council.

## **91. Undertakings**

Before commencing the duties of his or her office, each churchwarden and councillor shall subscribe to an undertaking in the form contained in the Schedule.

<sup>1</sup>

### **91A. Indemnity**

The Synod indemnifies each of the Churchwardens and members of the Parish Council for any claims which relate to an act or omission of the Churchwarden or member of Parish Council in the exercise of their powers or functions in accordance with the provisions of the Canon.

## **92. Parish Records**

- (1) The incumbent shall ensure that the following proper registers and records are maintained:-
  - (i) Register of Baptisms;
  - (ii) Register of Admissions to Holy Communion;
  - (iii) Register of Confirmations;
  - (iv) Register of Marriages;
  - (v) Register of Funerals;
  - (vi) Register of Services held in the Parish;
  - (vii) Minutes of Annual General and Special Meetings and Meetings of Parish Council;
  - (viii) The Electoral Roll;
  - (ix) A Pastoral Roll;

- (x) An Inventory of all items of property belonging to or used by the parish whether or not contained in buildings used by the parish including the rectory of the parish;
  - (xi) An up-to-date copy of the Canons of the Diocese.
  - (xii) Such other registers and records as Bishop-in-Council may from time to time direct.
- (2) Bishop-in-Council may give directions as to the format and content of registers to be used throughout the Diocese.
  - (3) All of the records referred to in this section are the property of the Diocese and on the cessation of the term of office of the incumbent, shall be delivered by the incumbent to the churchwardens who shall give a receipt for same. The churchwardens shall hand over possession of all such records to the succeeding incumbent and take his or her receipt therefor.
  - (4) All of the Registers listed in sub-section (1) (i) to (vi) inclusive which are not in use either for the entry of events, or for the frequent reference by the incumbent, shall be sent to the Diocesan Registry for safe keeping and the incumbent shall thereupon be discharged from any responsibility for same.

## **PART VII - CHURCH PROPERTY**

### **93. Purchase, Sale, or Alterations to Church Property**

- (1) A parish council must obtain the approval of Bishop-in- Council, in addition to the grant of any Faculty which may be required by S.97, prior to:-
  - (a) the purchase of a site for a worship centre or other buildings for parish use;
  - (b) the sale of any land or buildings within the parish; or
  - (c) the construction of or alterations to any parish building
- (2) A Parish Council shall not make any engagement for the construction or alteration of any parish building until it has sought and obtained the approval of Bishop-in-Council of the plans and specifications relating thereto.

### **94. Property to be Vested in Synod**

All property acquired for the purposes of a parish shall be held in the name of the Corporation of the Synod of the Diocese of Rockhampton.

### **95. Dedication**

As soon as is convenient after the construction and fitting out of a building for use as a worship centre has been completed, petition shall be made by the incumbent and the churchwardens for the Bishop to dedicate the worship centre, or for a licence to celebrate Divine Service therein.

### **96. Furnishing**

The Bishop may refuse to dedicate a worship centre or to license a building for the celebration of Divine Service until it contains such fabric, fittings, furniture or ornaments and such other items as the Bishop shall deem necessary.

**97. Faculty**

The fabric, fittings, furniture or ornament of any worship centre, and the fabric of any other parish buildings, shall not be added to, altered or removed, unless a faculty from the Bishop is first obtained after an application in the form prescribed by the Bishop has been made by the incumbent and churchwardens. No such application shall be made to the Bishop until a notice in the form prescribed by the Bishop has been affixed for a period of not less than fourteen (14) days to the principal door, and/or the main notice board, of the principal worship centre of the parish, and to the principal door of any building in relation to which the faculty is sought. The incumbent and the churchwardens shall forward to the Bishop with such application any written objection thereto, or any written opinion in relation thereto, received by them from a member of the parish. The Bishop may require the churchwardens to remove or restore any unauthorised additions alterations or removals as the case may be.

**98. Use of Worship Centres**

No worship centre shall except with the authority of the Bishop be used for any purpose other than the celebration of Divine Service, the administration of the Sacraments, the performance of rites and ceremonies of the Anglican Church of Australia, or for the purposes of religious education and meetings of the people of the parish held in accordance with any Canon of Synod.

**PART VIII – GENERAL****99. Minutes**

The incumbent or other presiding member shall ensure that the minutes of the proceedings of every general meeting of the parish and every meeting of the parish council are duly and regularly kept in a printed format and such minutes shall be tabled and confirmed at the beginning of the next meeting of the parish or the parish council as the case may be. Where possible an electronic copy of the minutes should also be maintained.

**100. Disputes Resolution**

Bishop-in-Council may determine any disputes or question which may arise in relation to any election held at a general meeting of a parish, or the transaction of any business by parish councils, or by any officer of a parish on behalf of the parish, and may from time to time make or alter rules not inconsistent with this Canon for the conduct of elections and the transaction of business by or on behalf of parishes.

**101. Inconsistencies.**

Where there is an inconsistency between this Canon and other Canon of the Diocese, the inconsistency shall be referred to Bishop-in-Council. Until such time as the inconsistency is removed by Canon, the provisions of this Canon shall prevail.

**102. Forms**

Bishop-in-Council may from time to time authorise or prescribe forms to be used by parishes in relation to any matter dealt with in this Canon in addition to, or instead of, the forms contained in the Schedule.

**103. Regulations**

Bishop-in-Council may make or amend regulations not inconsistent with this Canon in relation to the execution or implementation of any matter dealt with in this Canon.

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**THE SCHEDULE**

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| FORM NUMBER | FORM                                      | PAGE            |
|-------------|---|-----------------|
| 1           | Declaration by Elector                    | (Sec.55 (3)) 31 |
| 2           | Notice of annual general meeting          | (Sec.57 (1)) 32 |
| 3           | Notice of special general meeting         | (Sec.59 (1)) 33 |
| 4           | Nomination for parish elections           | (Sec.58 (3)) 34 |
| 5           | Declaration by churchwarden or councillor | (Sec.64) 35     |

**DIOCESE OF ROCKHAMPTON**

**PARISH OF .....**

**PARISH CANON 2013 (SEC.55(3))**

**FORM 1**

**DECLARATION BY ELECTOR**

I..... declare that:

- I am a member of the Anglican church of Australia (I am a baptised person who attends the public worship of this Church and I declare that I am a member of this Church and of no church which is not in communion with this Church);

**OR**

I am a recognised member of another denomination (*specify the denomination*).....which has in relation to (*insert name of parish*)..... Parish entered into a formal hospitality agreement with the Bishop

**OR**

I am a baptised person of another Christian denomination (*specify the denomination*)..... and I have been recognised by the Bishop as a customary worshipper of the (*insert name of parish*)..... Parish;

- I am a worshipping member of the congregation of the(*insert name of parish*) .....Parish;
- I am of the age of sixteen years and upwards;
- I have within the preceding twelve months attended Divine Service within this parish on no fewer than four occasions;
- I request that my name be placed on the electoral roll of this parish and I consent to the use of my name on the electoral roll for all proper purposes of this parish and this Diocese;
- I now commit myself to participate in worship in this parish on a regular basis.

DATED this .....day of.....2.....

.....  
(Signature)

.....  
(Address)

.....  
(Telephone Number and/or email address)

**PARISH CANON 2013 (SEC.57(1))**

**FORM 2**

**NOTICE OF ANNUAL GENERAL MEETING**

Notice is hereby given that the annual general meeting of the members of the Parish of ..... will be held in ..... (place of meeting) ON ..... the..... day of ..... 20.... at ..... o'clock for the purpose of receiving reports, audited accounts and the budget of income and expenditure for the ensuing year, and for the holding of elections for a churchwarden and other officers of the Parish for the ensuing year, and general business, of which at least 7 days written notice has been given to the Parish Secretary.

Pursuant to section 58(2) nominations are hereby called for the following officers to be elected at the annual general meeting:

- Churchwarden
- Councillors
- Lay representatives of the parish in Synod
- Parish nominator

Nominations must be made in writing in Form 3 in the Schedule to the Canon and must be delivered to the parish secretary at or prior to the annual general meeting.

DATED this ..... day of ..... 20.....

(Signed)..... (Incumbent)

(Signed)..... (Churchwarden)

(Signed)..... (Churchwarden)

**DIOCESE OF ROCKHAMPTON**

**PARISH CANON 2013 (SEC.59(1))**

**FORM 3**

**NOTICE OF SPECIAL GENERAL MEETING**

Notice is hereby given that a special general meeting of the members of the Parish of .....will be held at.....(*place of meeting*) on the .....day of.....20.. at ... o'clock. The business to be dealt with at the meeting is.....

•

DATED this .....day of.....20...

.....  
Incumbent



**DIOCESE OF ROCKHAMPTON**

**PARISH OF .....**

**PARISH CANON 2013 (SEC 58 (3))**

**FORM 4**

**NOMINATION FOR ELECTION OF PARISH OFFICERS**

I hereby nominate ..... for election to the office of: *(strike out all but one. If it is desired to nominate a person for more than one office a separate form must be used for each nomination)*

Churchwarden

Councillor

Lay representative of the parish in Synod

Parish Nominator

.....  
Nominee

.....  
Signature

.....  
Proposer

.....  
Signature

.....  
Secunder

.....  
Signature

**DIOCESE OF ROCKHAMPTON**

**PARISH OF .....**

**PARISH CANON 2013 (SEC.91)**

**FORM 5**

**UNDERTAKING BY A PERSON ELECTED OR APPOINTED AS  
CHURCHWARDEN OR COUNCILLOR**

I, [A. B.] DO HEREBY PROMISE that I will faithfully perform the duties of the office of churchwarden /councillor (*strike out whichever is not applicable*) to the best of my knowledge, and ability.

.....  
Name

.....  
Signature