

Parish Administration Amendment Ordinance 2010

No 9, 2010

Long Title

An Ordinance to make a number of miscellaneous amendments to the Parish Administration Ordinance 2008.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Parish Administration Amendment Ordinance 2010.

2. Amendments concerning wardens' licensing of property

The Parish Administration Ordinance 2008 is amended as follows –

- (a) delete rule 3.12(a) of Schedule 1 and rule 3.11(a) of Schedule 2 and insert instead the following –
 - “(a) the use of the property by the licensee is not –
 - (i) prohibited by law or by the trusts on which the property is held, or
 - (ii) for the purposes of a pre-school, kindergarten, child care centre, long-day care centre or like service”, and
- (b) delete “\$20,000 per annum” in rule 3.12(d) of Schedule 1 and 3.11(d) of Schedule 2 and insert instead “\$50,000 per annum (including GST)”.

3. Amendments concerning uncontested elections

The Parish Administration Ordinance 2008 is amended by deleting rule 4.6 of Schedules 1 and 2 and inserting instead the following –

“4.6 Nominations and elections

- (1) A person may not be nominated unless he or she has consented verbally or in writing to the nominator or another person at the meeting. A person nominated need not be present at the meeting. A person making a nomination must be present at the meeting.
- (2) If the number of nominated candidates for election to an office does not exceed the number of vacancies to be filled, the election is uncontested and the following rules apply –
 - (a) The chairman is to move a motion that the candidates be elected.
 - (b) If the motion is carried, the chairman is to declare the candidates elected.
 - (c) If the motion is not carried, the chairman shall call again for nominations.
- (3) If the number of candidates nominated for election to an office exceeds the number of vacancies to be filled, the election is contested and the following rules apply –
 - (a) Voting is to be conducted by secret ballot.
 - (b) Each person entitled to take part in the meeting must not vote for more than the number of candidates to be elected.
 - (c) The candidate who obtains, or the candidates who obtain, the higher or highest number of votes is elected.
 - (d) If, in respect of the last vacancy to be filled, 2 or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chairman.
- (4) In conducting any secret ballot –
 - (a) proxies and preferential voting are not permitted, and

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- (b) where possible, there are to be at least 2 scrutineers, being persons not standing for election.”.

4. Amendments concerning parish council resolutions without a meeting

The Parish Administration Ordinance 2008 is amended by deleting rule 4.11 of Schedules 1 and 2 and inserting instead the following –

“4.11 Resolutions without a meeting

(1) The members of a parish council may pass a resolution without a meeting of the members being held if –

- (a) a document setting out the proposed resolution and containing a statement that a member is in favour of the proposed resolution is provided or sent to each member either personally or at the last postal or electronic mailing address provided by the member for the purpose of receiving material in connection with meetings of the parish council, and
- (b) fractions being counted as one, 75% of the members who would be entitled to vote on a motion for the resolution at a meeting of the parish council notify the person who provided or sent the statement that they are in favour of the proposed resolution by returning to that person a signed copy of the statement or otherwise confirming the statement to that person by electronic means,

provided that the proposed resolution will not pass as a resolution under the provisions of this rule if any member who would be entitled to vote on a motion for the resolution at a meeting of the parish council notifies the person who provided or sent the statement of their unwillingness for the proposed resolution to pass as a resolution under the provisions of this rule and such notification is given before the proportion of members referred to in paragraph (b) is reached.

(2) Separate copies of a document may be used for the purposes of sub-rule (1) if the wording of the resolution and statement is identical in each copy.

(3) The resolution is passed when the requirements of sub-rule (1) are satisfied.

(4) A resolution passed under this rule 4.11 is to be recorded in the minutes of the next meeting of the parish council.”.

5. Amendments concerning conflicts of interest

The Parish Administration Ordinance 2008 is amended as follows –

- (a) insert a new rule 2.6(3) in Schedules 1 and 2 as follows –

“(3) A person who holds the office of auditor of the financial statements and accounts of the wardens may not become or remain a member of the parish council.”, and

- (b) insert a new rule 2.8(1)(a)(vi) in Schedules 1 and 2 as follows –

“(vi) is elected or appointed to the office of auditor of the financial statements and accounts of the wardens, or”, and

- (c) renumber rule 2.11 of Schedule 1 as rule 2.11(1) and insert a new sub-rule (2) as follows –

“(2) A warden is disqualified from taking part in any act of the wardens if the warden or a member of the warden’s family has a personal financial interest in the act.

Note: See also rule 3.13B concerning decision-making by a warden in relation to a family member who is appointed or proposed to be appointed as a parish worker.”, and

- (d) renumber rule 2.10 of Schedule 2 as rule 2.10(1) and insert a new sub-rule (2) as follows –

“(2) A warden is disqualified from taking part in any act of the wardens if the warden or a member of the warden’s family has a personal financial interest in the act.

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Note: See also rule 3.12B concerning decision-making by a warden in relation to a family member who is appointed or proposed to be appointed as a parish worker.”, and

- (e) delete rules 4.10(7) and (8) in Schedules 1 and 2 and in both Schedules insert a new rule 4.10A as follows –

“4.10A Conflicts of interest

A member of a parish council is disqualified from taking part in the exercise of any function of the parish council if the member or a member of his or her family has a personal financial interest in the exercise of the function.

Note: For example, a member of the parish council must not vote on or take part in any decision of the parish council to pay to the member or a member of his or her family a stipend, salary or other amount.”.

6. Miscellaneous amendments

The Parish Administration Ordinance 2008 is amended as follows –

- (a) in rule 1.1(1) of Schedules 1 and 2 insert the following new definition (in alphabetical order) –
- “member of the Anglican Church of Australia** means a baptised person who declares that he or she is a member of the Anglican Church of Australia.”, and
- (b) insert the word “or appointment” after the word “election” in rule 2.7(1)(b) of Schedules 1 and 2, and
- (c) delete the matter “if the person is otherwise absent from the parish or incapacitated,” in rules 2.7(1)(d) and 2.13(5)(d) of Schedule 1 and rules 2.7(1)(d) and 2.12(5)(d) of Schedule 2.
- (d) in rule 3.9(2)(b) of Schedule 1 and rule 3.8(2)(b) of Schedule 2 delete the words “and of any provisions in or made pursuant to the Accounts, Audits and Annual Reports Ordinance 1995”, and
- (e) insert the following words after “church” in rule 4.1(4)(a) of Schedule 1 –
- “or published in any weekly church bulletin,” and
- (f) delete rule 4.1(3) of Schedule 2 and insert instead the following –
- “(3) A general meeting of parishioners is convened –
- (a) by announcement at not less than 2 services of public worship for each congregation of the parish before the day of the meeting, and
- (b) if there is a weekly parish bulletin, by notice published in such bulletin,
- of the date, time and place of the meeting and, in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting.” and
- (g) delete rule 4.1(4)(b) of Schedule 1 and insert instead the following –
- “(b) by announcement at each Sunday service of public worship held at the church and for each associated congregation of the church on at least 2 Sundays before the day of the meeting,
- of the date, time and place of the meeting and in the case of a meeting which is not an annual general meeting of parishioners, the business to be considered at the meeting.”, and
- (h) in rule 3.11 of Schedule 2 delete the matter “5.7” and insert instead “5.6”, and
- (i) in rule 5.5(b) of Schedule 1 and rule 5.4(b) of Schedule 2 insert the words “or remove” after the word “place”, and
- (j) in Schedules 1 and 2 insert a new rule 9.6A as follows –

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“9.6A Exercise of Regional Archdeacon’s functions by Regional Bishop or his delegate

The Regional Bishop may, in the absence of a person holding the office of Regional Archdeacon, exercise the functions of the Regional Archdeacon under the provisions of these rules and may delegate the exercise of any of these functions to a person holding office as an Assistant to the Regional Bishop.”, and

- (k) delete rules 9.11(1) and (2) in Schedules 1 and 2 and insert instead the following –

“(1) The Synod may call on any wardens to produce a financial statement of their dealings with any church or parish trust property together with all financial records in support of the statement and may submit the statement and records to auditors appointed by the Synod.

(2) If the financial statement and supporting records are not produced within a reasonable time in accordance with sub-rule (1), the Synod may appoint auditors to produce such a statement. For this purpose, the auditors are entitled to have access to all relevant financial records of the church or parish.

(3) The auditor’s fees in relation to any work undertaken pursuant to sub-rule (1) or (2) must be paid by the wardens out of church or parish trust property managed by the wardens.”, and

- (l) renumber existing rule 9.11(3) in Schedules 1 and 2 as rule 9.11(4).

7. Transitional

Until the next annual general meeting of the church or parish concerned, a person who, immediately before the date of assent to this Ordinance, holds office under the Parish Administration Ordinance 2008, does not cease to hold that office by reason of any amendment made by this Ordinance.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 31 May 2010.

R WICKS
Secretary

I Assent to this Ordinance.

PETER F JENSEN
02/06/2010